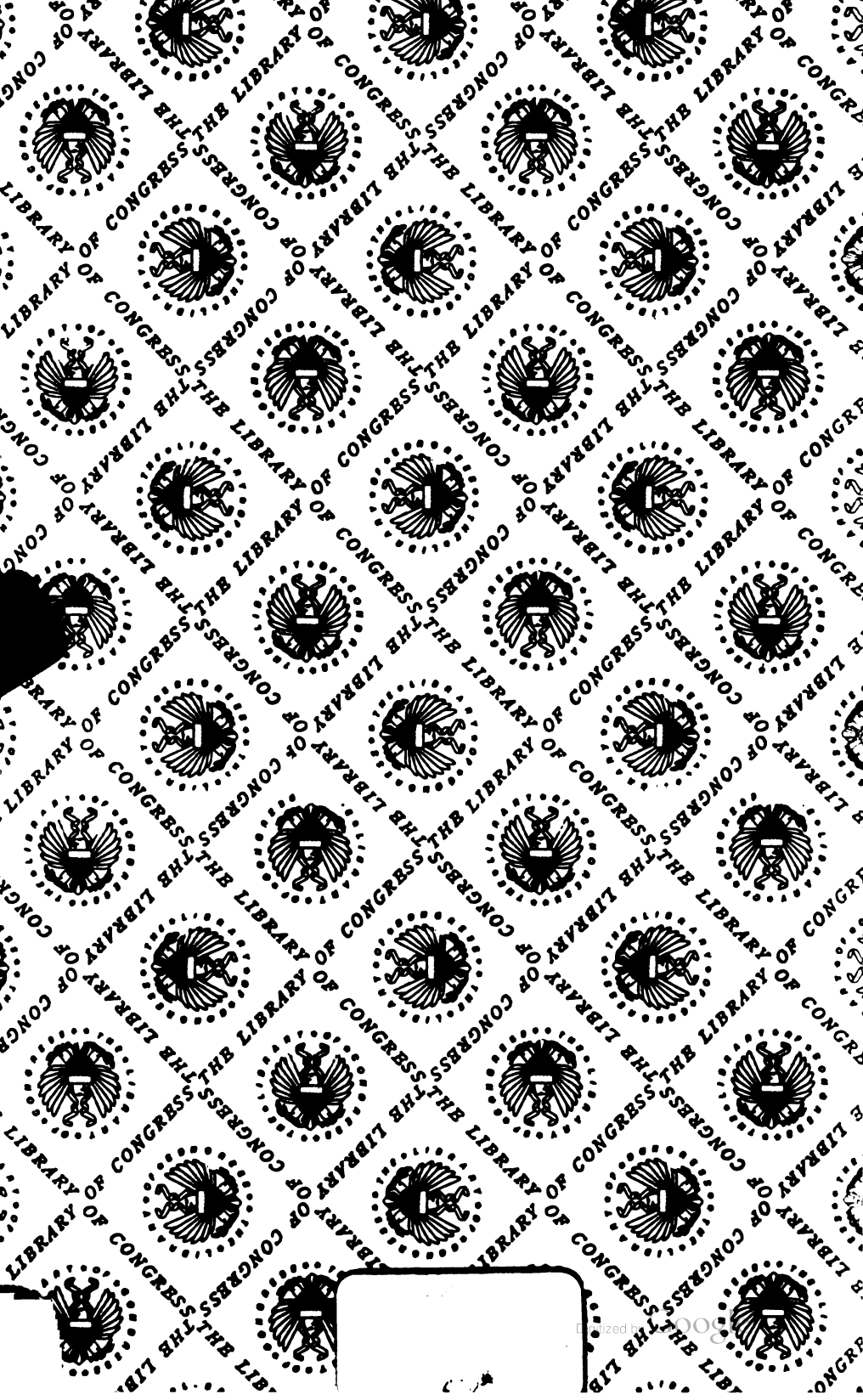
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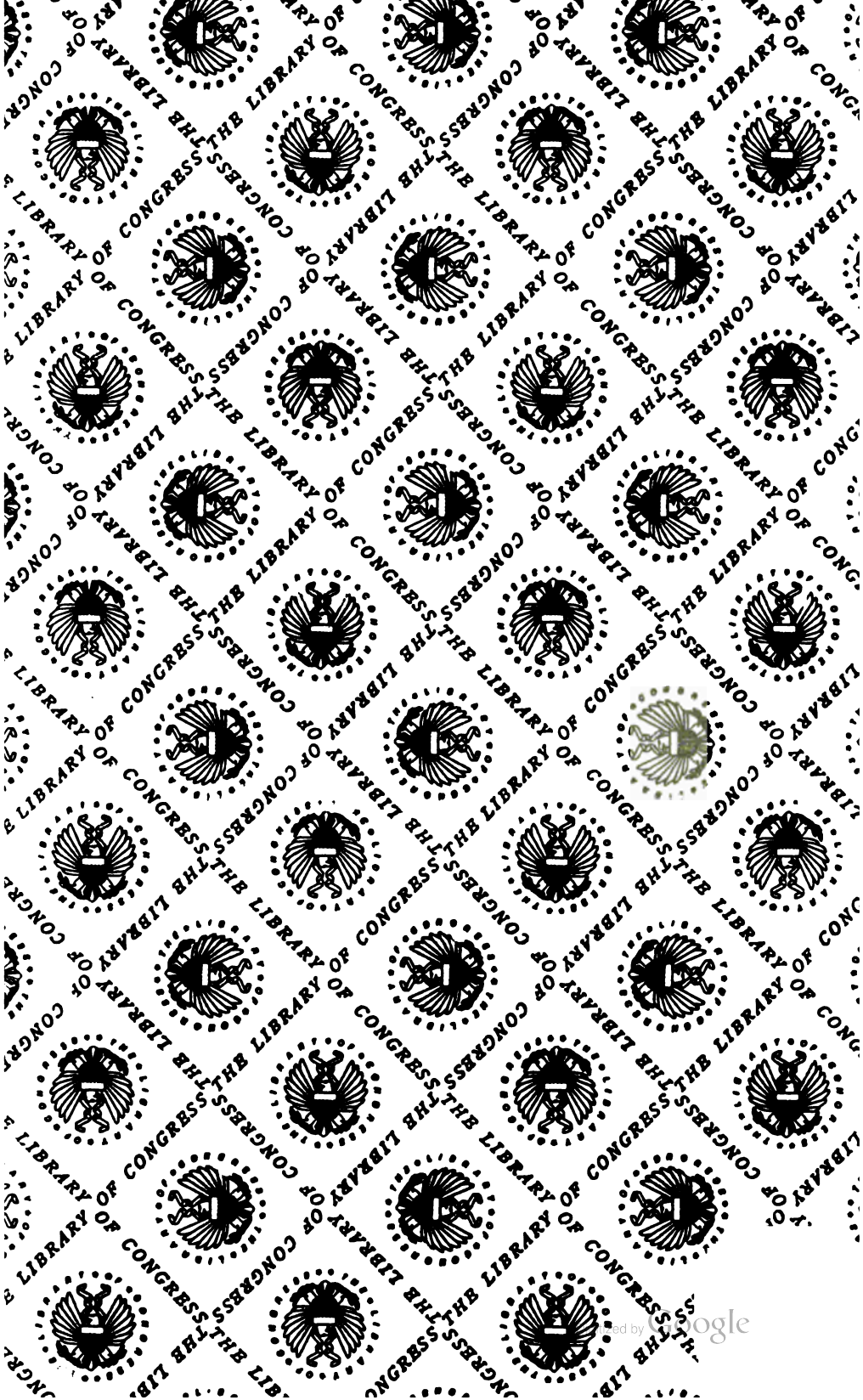
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UNIFORM LAWS AS TO MARRIAGE AND DIVORCE

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

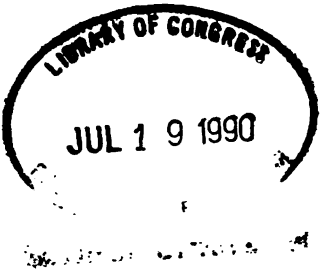
FIRST SESSION

ON

H. J. RES. 48

Serial 35

APRIL 12, 1916



WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

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UNIFORM LAWS AS TO MARRIAGE AND DIVORCE.

SERIAL 35.

COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 1,
HOUSE OF REPRESENTATIVES,
Wednesday, April 12, 1916.

The subcommittee this day met, Hon. Warren G. Gard presiding.

Mr. GARD. This hearing has been called for the purpose of argument upon House joint resolution 48, introduced by Mr. Edmonds on December 7, 1915.

STATEMENT OF REV. WILBUR F. CRAFTS, OF WASHINGTON, D. C., SUPERINTENDENT INTERNATIONAL REFORM BUREAU.

Mr. CRAFTS. Mr. Chairman, perhaps it will be appropriate before I introduce other speakers to state briefly what legislation the Congress of the United States has passed on this subject.

The very first bill carried by the International Reform Bureau in Congress was the Gillett Divorce Act, approved May 25, 1896, which broke up divorce colonies in the Territories by making the required time of residence in the Territories longer than in some of the States. Under the old law a person could go to Oklahoma Territory and remain three months and secure a divorce. I remember I investigated this matter, as I always do before entering upon a campaign of legislation. I wrote the secretary of Oklahoma, asking him if a divorce could be secured as easily as was reported in the newspapers.

The secretary of the Territory evidently took me for a candidate, for he answered me that divorces were granted readily on three months' residence, for 14 causes.

That bill, which was introduced and promoted in Congress by Hon. F. H. Gillett, M. C., of Springfield, Mass., and which instantly and finally broke up divorce colonies in the Territories because it made it more difficult to get a divorce in the Territories than in the States, was expressed briefly but effectively in 30 words, as follows:

No divorce shall be granted in any Territory unless the party applying for the divorce shall have resided continuously in the Territory for one year next preceding the application.

Then, later on, the reform bureau got a divorce-reform law passed for the District of Columbia, making absolute divorce possible only in the case of adultery with permission to remarry granted only to the innocent party. That law was introduced by Congressman Ray, but championed by Senator Wellington through whose leadership it was first passed in the Senate as a part of the revised District of Columbia Code, which was approved March 3, 1901. The law is as follows:

SEC. 185. The clerk of the court in which any proceedings for divorce shall be instituted shall immediately notify the United States attorney of the institution of such proceedings, and it shall be the duty of said attorney to enter his appearance therein in order to prevent collusion and to protect public morals.

SEC. 966. *Causes for divorce a vinculo and for divorce a mensa et thoro.*—A divorce from the bond of matrimony may be granted only where one of the parties has committed adultery during the marriage: *Provided*, That in such case the innocent party only may remarry; but nothing herein contained shall prevent the remarriage of the divorced parties to each other; and provided, that legal separation from bed and board may be granted for drunkenness, cruelty, or desertion; and provided, that marriage contracts may be declared void in the following cases:

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved.

Second. Where such marriage was contracted during the lunacy of either party, unless there has been voluntary cohabitation after the lunacy, or was procured by fraud or coercion.

Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so.

Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage, unless there has been voluntary cohabitation after coming to legal age, but in such cases only at the suit of the party not capable of consenting.

SEC. 967. *Foregoing section not retroactive.*—The provisions of this act shall not invalidate any marriage heretofore solemnized according to law, or affect the validity of any decree or judgment of divorce heretofore pronounced.

New York has an equally stringent divorce law, and I have always held that we ought not to have a national marriage and divorce law that would lower the standards which have been set in the District of Columbia and in New York State. But that does not follow necessarily under this resolution, especially under amendment suggested by which it would provide that the national law was only a minimum law, which any State might exceed by having fewer grounds of divorce or none at all. A national marriage and divorce law might secure a uniform procedure, providing, for example, that no divorce can be granted under so many months or years, say under two years; also that the interests of the Nation shall be defended by the district attorney, as is required in the District of Columbia; and provision to prevent collusion and other abuses which now abound. But those details are not necessary to consider in this connection.

The only proposition in this Edmonds constitutional amendment is that the power of granting marriage and divorce shall be turned over by the States to the National Government. I do not understand that this amendment would entirely remove the power of the States over marriage and divorce, but it would give the Nation supreme, or at least concurrent authority, in this matter, and would do away with the absurd condition that now exists, that a person may be married in one State and not married in another.

Mr. GARD. Is there any one of the speakers who will present this question who will submit an argument throwing light upon the legal question involved here, as to the right of the United States to assume jurisdiction of this kind over the States?

Mr. CRAFTS. I will see that some one submits a brief on that phase of the subject.

Mr. NELSON. You made a statement that you did not think this would take away the rights of the States. If the United States takes charge of the matter——

Mr. CRAFTS (interposing). That might be arranged just as it is in the case of the proposed prohibition amendment, dealing with the liquor traffic, which provides for concurrent action. The States and the Nation might act concurrently in marriage and divorce as in the case of the prohibition law.

Mr. NELSON. How would you reach the abuses in some of the States?

Mr. CRAFTS. The national law must be sufficient to correct the abuses, and not make it possible for a person to be married, for instance, in New York State and unmarried when he goes over in New Jersey, becoming a bigamist when he gets into Connecticut. It is entirely possible for a man to be divorced in one State, and within an hour's time be across the State line and marry again.

Mr. NELSON. That would be controlled by the national law?

Mr. CRAFTS. Yes.

Mr. NELSON. If you leave the States to deal with that, obviously, if you give them the power, they will do as they please.

Mr. CRAFTS. As I understand it, the intention of the prohibition law is to confer concurrent jurisdiction. The States will cooperate with the Nation, and the Nation with the States, but the Nation will have the supreme control wherever it is needed. I think that would be entirely possible. That has been considered a good deal, as Mr. Webb will remember, in connection with the prohibition matter, that the power of the States in handling the liquor question is not to be taken away, but the States will act, so far as they can, and the National Government will help us where they are helpless. In interstate commerce the States need the aid of the Government. So in the matter of divorce there are certain abuses in which the States need the aid of the United States.

That matter in connection with the concurrent action of the States and the Nation could be worked out in the law which Congress makes, so that Congress will only provide what is necessary for the Nation to do to prevent the abuses which now exist.

Mr. MOODY. Mr. Chairman, you have that same thing now in the case of the Interstate Commerce Commission.

Mr. CRAFTS. The concurrent action of the States and the Nation is what we want.

Mr. NELSON. I only desire to know what is in your mind in reference to that.

Mr. CRAFTS. I should not be in favor of any national law if I thought it was going to lower the divorce standard in the District of Columbia or in New York State.

Mr. GARD. The national law would not apply to the District of Columbia. It would apply to the States and Territories.

Mr. CRAFTS. We might have a national law that would not take away all the powers of the States. It would be a uniform marriage and divorce law, so far as we needed that, and leave certain powers to the States. For instance, that any State might go above the minimum standard that the Nation makes. But it ought to be fixed so that no State can go below the minimum standard.

Mr. NELSON. That is the nature of the prohibition law.

Mr. CRAFTS. Yes. I do not think the good people in New York State would vote for a law which would lower their standard. We should make a minimum law to remove abuses, and leave any State the privilege of going higher in its divorce legislation.

Mr. CRAFTS. Mr. Chairman, I will introduce other speakers, some of whom may wish to make a brief statement to the committee and then have the privilege of extending their remarks.

Mr. GARD. If there is no objection on the part of the committee, the privilege will be granted.

Mr. CRAFTS. Mr. Chairman, I now desire to introduce Rabbi Abram Simon, of this city. Rabbi Simon has hastened home from Cincinnati, because he appreciates the importance of the hearing.

STATEMENT OF RABBI ABRAM SIMON, OF THE EIGHTH STREET SYNAGOGUE, WASHINGTON, D. C.

Dr. SIMON. Mr. Chairman, in view of the fact that opportunity will be granted us to put into writing a detailed view of our ideas, it is only necessary for me to say a few words.

I have had such experience that I have come to feel that the time has arrived for the enactment of uniform legislation regarding questions of marriage and divorce. While I am not particularly putting Federal legislation over against particular State legislation, I think an agitation should be inaugurated looking to some kind of uniform legislation.

When the proposition was presented to me by Mr. Moody, I felt it would be wise for us to bring such a resolution to the wider attention of the American public. I am firmly convinced in my own mind that although the question of Federal relationship to marriage and divorce was omitted when the fathers wrote the American Constitution, yet could the fathers of the American Republic prevision 100 years ahead the conditions in our country to-day, I feel sure they would have written such a provision in the original Federal Constitution.

No man who comes in contact with the marriage and divorce conditions of our American life but can see the frightful contradictions between various laws.

I, for one, do not believe that the various States are going to be offended at such Federal legislation. I am told that the California State Legislature has adopted a series of resolutions, both in the senate

and in the house, complimenting and suggesting the adoption of such a Federal amendment. If I mistake not, Dr. Tompkins, you have a paper that shows two or three States which have already passed in their State legislatures upon this resolution?

Dr. TOMPKINS. I have only one in reference to the State of California.

Mr. VOLSTEAD. I believe Oregon and Illinois have taken such action.

Dr. SIMON. There are three States which have done that. Surely each State is zealous of its own rights. Each State has argued the matter out before. If these three States have passed or indorsed this resolution, I believe the question as to whether we are antagonizing the sanctity of State rights need not be considered by us. For ourselves I think this one proposition can be eliminated.

There is another question that so many of us rarely consider. You and I are interested in a high state of citizenship responsibility. Many of us ministers are put in a rather peculiar position. Suppose I were a preacher in the State of Ohio, where first cousins are not permitted to marry. Suppose a couple comes to me and say, "We want you to officiate at our wedding." Suppose they were first cousins, I would be compelled to say, "I have no right to do that. But I tell you what you can do. You go across the river to Kentucky, and I will officiate at your wedding over there."

I ask you whether such a thing should be permitted. First of all, the minister is compelled to violate the Ohio law in Kentucky. The State of Kentucky has a different conscience from what the Ohio conscience is. Is the man who is the Ohio minister doing a decent thing if he officiates in Kentucky at a ceremony which would have been illegal in Ohio? You have sectional standards of morality.

I do not know what I would do under the circumstances; and that is not the question. The question is that you have 48 States with 48 sectional standards of morality and law, and it is impossible to secure uniform morality. You at least will be able, by means of this legislation, to do what Dr. Crafts wisely suggests—that is, have a minimum standard which, by each State, could be progressively raised as the moral standard in each community rises equal to it.

My own feeling in the matter is that the frightful contradictions in every State on the questions of marriage and divorce, the unfortunate cases of illegitimacy, and the troubles in reference to property rights resulting from the peculiarity of the laws compel us to take a fairly courageous stand upon a proposition that is going eventually to lead to something like uniformity in marriage and divorce.

While I am not here to represent any one in particular or any particular body of men, personally I want to record my approval of this resolution and my promise to aid in any way possible in securing action on this matter.

Mr. WHALEY. Are you in favor of divorce?

Dr. SIMON. Only under certain restrictions.

Mr. WHALEY. But you do favor divorce?

Dr. SIMON. Yes; as a necessary evil.

Mr. WHALEY. You would not be in favor of a law providing that there should be no divorce in the United States?

Dr. SIMON. No; I think that would be as inhuman as it is inhumane.

Mr. WHALEY. Do you know that in South Carolina we do not have divorce and we have not been inhuman down there? We have gone along pretty well for a great many years, and the sanctity of the home is kept down there better than in any State in the United States?

Dr. SIMON. But it does not impress me as common sense—a condition as would permit divorce in a case of necessity. It is very likely in South Carolina you may have couples who probably would be happier if they were separated.

Mr. WHALEY. I doubt if that is the case.

Dr. SIMON. They are physically united, but spiritually they are apart.

Mr. VOLSTEAD. Do not some of your people go outside the State to get their divorce?

Mr. WHALEY. I think there is one instance in my town that I can recall of a couple going outside of the State to get a divorce. But that is the only instance that I can recall which has occurred in a great many years down there.

Dr. SIMON. I should be glad to bow, if you have that high ideal of marital happiness in South Carolina. I am willing to make any sacrifice to get back to the original ideas and conditions.

Mr. WHALEY. Until the last several years we did not even have a marriage-license law, and that was a protection thrown around the people there which worked well, and I think it was a mistake when such a law was enacted. I am very much opposed to divorce, except on one ground, and that is the ground of drunkenness.

Dr. SIMON. I hope that is successful, but I remember when the no-divorce proposition was there that I had a vogue suspicion that it was following along the same line as the dispensary proposition.

Mr. WHALEY. No, it has not. We do not have any divorces in South Carolina.

Dr. SIMON. I take off my hat to any State which is thoroughly protecting the sanctity of the home and the marriage relation.

Mr. CRAFTS. May I ask Mr. Whaley a question?

Mr. NELSON. I would like to ask you one question. This resolution provides that—

> Congress shall have power to establish uniform laws on the subject of marriage and divorce for the United States and to provide penalties for violation thereof.

It says nothing as to the concurrent jurisdiction of the States. In the pending Webb bill on the liquor proposition, section 2 says the Congress and the States shall have power independently or concurrently to enforce this article by local legislation.

Dr. SIMON. That might be a good amendment. I rather think that second article might be transferred with wisdom here, both for the sake of efficiency and because it would show clearly what the people who are no doubt back of the resolution desire.

Mr. NELSON. If you did not have the last proposition South Carolina would have to come to the Federal standard.

Mr. CRAFTS. I think the proposed second article is very desirable, and I would suggest that it go into the record as an addition to the proposed constitutional amendment. You have no divorce, by legislation, in South Carolina, Mr. Whaley?

Mr. WHALEY. There is a constitutional provision that no divorce shall ever be granted in South Carolina.

Mr. CRAFTS. In Canada they have no divorce courts. But they do have divorces by act of the legislature.

Now, Mr. Chairman, I am going to ask you to listen to Mrs. Ellis, who represents the Woman's Christian Temperance Union.

STATEMENT OF MRS. MARGARET DYE ELLIS, SUPERINTENDENT OF LEGISLATION, NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.

Mrs. ELLIS. Mr. Chairman, I am here only to speak for the home. We are the women of the home. We represent the homes of the United States, and our children in these homes, and we have found that when the home is attacked, the foundation of our Nation is attacked, for the home is the bulwark of the Nation.

We find also that this divorce question harms the children. It had not entered my mind until I began to look into it, and I find that it is estimated that 124,901 homes will be broken up in 1916 by divorce decrees. The United States Census Bureau estimates that more than 115,000 divorces were granted in the United States in 1915. Eighty thousand children were divorce-orphaned by that act.

Something should be done. It should be made harder to do wrong and easier to do right. It should be so arranged by the Congress, by law, that when a man goes from one State into another State, the entire conditions shall not be changed. It is not fair; it is not right to the children. There are 80,000 children of divorced parents, divorced from their homes, living a part of the time with their father and a part of the time with their mother, or living with neither. I tell you, gentlemen, in this country of ours it is a shame that such a condition exists. If only some way could be found by which marriage could be made more sacred, and could be made more real to the flippant girl, and the thoughtless boy. If they could only be made to realize that when they stand before God's altar and pledge "for better or for worse, in sickness or in health, until death do us part," it would mean much more than it does to-day. If we could have a universal law such as the law in New York, that comes up to the standard of the Divine Master, it seems to me it might change the conditions.

So this morning in behalf of the childhood of the United States, and in behalf of the mothers and wives of the United States I beg this committee to give us favorable report on this resolution.

Mr. GARD. Do you desire to incorporate any additional statement in the record?

Mrs. ELLIS. No. I simply wanted to come here and speak in behalf of the members of the Woman's Christian Temperance Union.

Mr. GARD. Mr. Raker of California, desires to make a statement, and we will hear him at this time.

STATEMENT OF HON. JOHN E. RAKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I thank you for the opportunity of addressing you on this resolution.

The Legislature of the State of California has passed the following resolution; also I am inserting other valuable information on the subject.

ASSEMBLY JOINT RESOLUTION No. 19.

[Adopted by California Legislature March, 1911.]

Adopted in assembly, March 25, A. D. 1911.

L. B. MALLORY,
Chief Clerk of the Assembly.

Adopted in senate, March 26, A. D. 1911.

WALTER N. PARRISH,
Secretary of the Senate.

This resolution was received by the governor this 27th day of March, A. D. 1911.

ALEXANDER MCCABE,
Private Secretary of the Governor.

SACRAMENTO, *June 26, 1914.*

To the INTERNATIONAL COMMITTEE ON MARRIAGE AND DIVORCE:

The Legislature of California, by joint resolution adopted in 1911, expressed its approval of the proposed amendment to the Federal Constitution that would give to Congress the power to legislate on all questions of marriage and divorce. The purpose of the resolution was to encourage the movement to take control of marriage and divorce from State authority and to place it under Federal jurisdiction, with a view to bringing about uniformity of the laws in all the Union.

I believe that there is a pronounced demand throughout the country for such uniformity, and I am convinced that the resolution of our Legislature correctly expressed the prevailing opinion in this State.

I wish personally to join in the appeal to Congress that it submit the proposed amendment to the legislatures of the States.

Very truly, yours,

HIRAM W. JOHNSON,
Governor of California.

Chapter 71.—Assembly joint resolution No. 19, relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by Federal statute and divorce proceedings heard and determined in the Federal courts and by uniform law throughout the United States.

Whereas the number of divorces throughout the United States has been increasing during the past fifty years at an alarming rate, and under the present system there is no uniform law covering this subject in the several States; and

Whereas at the present time the several States are operating under laws so entirely divergent that the legitimacy of children is often made a serious question and property rights are frequently uncertain; and

Whereas the question is one that strikes at the very foundation of our social organization, and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States, and that such law should be so safeguarded that fraudulent divorces cannot be secured; now, therefore, be it

Resolved, That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

A. H. HEWITT,
Speaker of the Assembly.

A. J. WALLACE,
President of the Senate.

Attest:

FRANK C. JORDAN,
Secretary of State.

Twenty-six deadly years—Watch divorces grow—1849–1915.

	Number.		Number.
1849	3,996	1864	8,551
1850 (population 23,191,876)	4,034	1865	8,865
1860 (population 31,443,321)	6,819	1875	14,245
1864	8,551	1879	17,147
1865	8,865	1880	19,749
1867	10,318	1882	22,103
1868	10,592	1883	22,171
1869	11,415	1884	22,876
1870 (population 38,558,371)	11,525	1885	23,510
1871	12,022	1886	25,564
1872	12,430	1887	28,349
1873	13,173	1888	29,164
1874	13,997	1889	32,270
1875	14,245	1890	33,991
1876	14,899	1891	36,056
1877	15,771	1892	37,128
1878	16,180	1893	37,996
1879	17,147	1894	38,119
1880 (population 50,155,783)	19,749	1895	40,940
1881	20,760	1896	43,495
1882	22,103	1897	45,291
1883	22,171	1898	48,501
1884	22,876	1899	52,122
1885	23,510	1900	56,371
1886	25,564	1901	61,698
1887	28,349	1902	62,109
1888	29,164	1903	65,263
1889	32,270	1904	67,086
1890 (population 62,947,714)	33,991	1905	68,901
1891	36,056	1906	[1] 72,786
1892	37,128	1907 (25 per cent increase)	[1] 77,636
1893	37,996	1908 (25 per cent increase)	[1] 81,579
1894	38,119	1909 (27 per cent increase)	[1] 85,199
1895	40,940	1910 (33 per cent increase)	[1] 91,638
1896	43,495	1911 (30 per cent increase)	[1] 94,622
1897	45,291	1912 (30 per cent increase)	[1] 100,927
1898	48,501	1913 (30 per cent increase)	[1] 106,053
1899	52,122	1914 (30 per cent increase)	[1] 110,759
1900 (population 75,994,575)	56,371	1915 (27 per cent increase)	[1] 115,879
1901	61,698	1916 (32 per cent increase)	[1] 124,901
1910 (population 91,972,266)	91,638		

After careful consideration of all the figures for separate States and for the United States that are available at the present time, we have made the above comparison of forty 15-year periods from 1849 to 1916. Divorces have more than doubled in every one of these periods of 15 years.

If this increase of divorces is to continue unchecked, with more than (500,000) half a million divorces for the five years from 1911–1915, what will be the number of divorces granted in the United States of America in the five years from 1925–1930? And what for the five-year period ending with 1945? Let those who care look ahead and make answer for themselves.

(These figures are for continental United States only.)

United States Census Bureau finds 30 per cent every five years to be the average rate of increase for divorces in continental United States.

[1] Estimated.

SENATE JOINT RESOLUTION NO. 5.

Adopted in senate April 7, 1915.

EDWIN F. SMITH,
Secretary of the Senate.

Adopted in assembly April 19, 1915.

L. B. MALLORY,
Chief Clerk of the Assembly.

This resolution was received by the governor, this 28th day of April, A. D. 1915, at 11 o'clock a. m.

ALEXANDER MCCALEB,
Private Secretary to the Governor.

LOS ANGELES, *January 2, 1915.*

REV. FRANCIS MINER MOODY, M. A.,
Box 777, Los Angeles, Cal.

MY DEAR MR. MOODY: It seems to me that the advisability of the Federal Government assuming jurisdiction over marriage and divorce is so apparent that there should be very little opposition, except possibly from Utah. The present conflict of laws regarding both marriage and divorce is very undesirable.

It is always most desirable that a marriage should be absolutely valid, and if it has been preceded by divorce it is thoroughly essential that the divorce, if proper, should also be valid, not only in one State but in every State; and I think that every reason that applies to giving the Federal Government exclusive jurisdiction over bankruptcy matters should also apply with equal force to giving the Federal Government exclusive jurisdiction over the subjects of both marriage and divorce.

You may remember that matters of bankruptcy used to be left to the various States, resulting in a very unsatisfactory state of affairs, until the Federal Government assumed jurisdiction and established the present system by which a bankrupt can be discharged, as he ought to be in proper cases, from all debts within the Union, instead of within one State.

Very truly, yours,

GEO. I. COCHRAN.

Chapter 31.—*Senate joint resolution No. 5, relative to memorializing the Congress of the United States to initiate proceedings therein for the submission to the several States of an amendment to the Constitution of the United States giving Congress power to enact a uniform divorce law.*

Whereas the diversity in the laws of the various States of this Union relating to divorce has been the cause of abuses which have done much to weaken the confidence of the people in the administration of justice; and

Whereas the American Bar Association and the leading members of the legal profession in various States, and prominent jurists and publicists have, after extensive investigation of conditions, repeatedly urged the pressing necessity for uniformity in divorce legislation; and

Whereas there appears to be no effective way in which such uniformity can be secured other than by action by the Congress of the United States; and

Whereas under the Constitution of the United States as it now exists Congress has no power to establish uniform laws on the subject of divorce: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That the legislature of the State of California memoralize the Congress of the United States to initiate proceedings therein for the submission to the several States of an amendment to the Constitution of the United States giving Congress power to establish uniform laws on the subject of divorce throughout the United States; and be it further

Resolved, That the governor of the State of California be, and he is hereby, requested to transmit duly authenticated copies of this memorial to the President of the United States, to the president of the United States Senate, to the Speaker of the House of Representatives, and to each member in the Senate and House of Representatives from the State of California.

JOHN M. ESHLEMAN,
President of the Senate.

C. E. YOUNG,
Speaker of the Assembly.

Attest:

FRANK C. JORDAN,
Secretary of State.

Damaged goods of the divorce courts in the United States of America in 50 years, 1867–1916.

DIVORCES.

Years.	Sources of information and authority.	Number.
1867–1886	First United States report on marriage and divorce, C. D. Wright	328,716
1867–1871	Cook County, Ill., estimate, F. M. Moody [1]	1,988
1867–1886	San Francisco municipal reports, county clerks' [1]	708
	Corrected total for first 20 years	330,447
1887–1906	Second United States report on marriage and divorce, S. N. D. North	945,635
1887–1889	San Francisco municipal reports, county clerks'	1,469
1889–1906	San Francisco corrections, estimated, F. M. Meody	10,287
1905, last six months.	California Labor Bureau, F. C. Jones	475
	Corrected total for second 20 years	957,847
1907–1916	Official estimate of United States Census Bureau	1,005,072
1867–1916	Total divorces in United States in 50 years	2,293,366

CHILDREN.[2]

1867–1886	First special United States report, marriage and divorce	267,739
1867–1871	Corrections for Cook County, Ill.	1,642
1867–1886	Corrections for San Francisco County, Cal.	810
	Minor children involved in divorce cases, first 20 years	270,191
1887–1906	Second United States report, marriage and divorce	637,860
	36,370 cases reporting children, but not how many, estimated	69,103
1887–1906	Corrections for San Francisco County, estimated	8,956
	Minor children made divorce-orphans, second 20 years	715,919
1867–1915	Divorce-orphans last 10 years, estimated	703,552
1867–1916	Total divorce-orphans in 50 years	1,689,662

[1] The United States First Special Report on Marriage and Divorce for the 20 years 1867–1886 did not furnish any data for Cook County, Ill., from 1867, to October, 1871, because the records were destroyed by the Chicago fire in 1871. Chicago, the county seat, has been the world's greatest divorce center for over 50 years. Only San Francisco granted more divorces in the years 1876 and 1877.

The original papers of some San Francisco divorces, granted in the first 20 years, has been mislaid before 1887, and nearly all original records for the second 20 years were destroyed by fire in April, 1906. This county was second in number of divorces granted yearly from 1875 to 1905, inclusive, or first, as noted above, save only that St. Louis was second in 1874. San Francisco was second only to Cook County for the 40 years' total. From the annual reports of the county clerks and by estimate all the data of marriage and divorce for these two counties have been restored on a conservative basis.

[2] The children enumerated are those minors that were orphaned by divorce. More than half of them were under 10 years of age at the time of their bereavement by the court's decree.

TOTAL DAMAGED GOODS OF THE DIVORCE COURTS.

Men and women separated by decrees of divorce	4,586,732
Children orphaned, more than half under 10 years old	1,689,662
Persons bereft and dishonored in the 50 years	6,276,394

Only two States in the Union ever had 6,000,000 people within their borders prior to 1910.

Which of the nations now at war would lose 6,000,000 men if it lost its whole army?

Sweden, Switzerland, European Turkey, Servia, Portugal, Norway, Netherlands, Greece, Saxony, Denmark, Wales, Scotland, and Ireland, each had less than 6,200,000 population in 1911.

For a Federal Marriage and Divorce Law—the Call of the Children.

Life, love, and faith are in the loom—room for them! room!

[International Committee on Marriage and Divorce.]

The California State Commission on Marriage and Divorce, and the International Committee on Marriage and Divorce, are twin corporations in purpose and work. They were incorporated respectively under the laws of the State of California in 1911, and of the State of New York in 1914. The parent body, namely the Interdenominational Commission on Marriage and Divorce for Southern California, was organized in December, 1905, as a duly authorized and officially delegated body from the several churches of that State.

It is the joint work of these twin corporations to secure the passage and enforcement of a Federal marriage and divorce law, in order that the present fearful diversity of State laws covering these subjects shall be replaced by a simple, uniform code, that shall eliminate, as far as possible, all migratory marriages or elopements, and all fraudulent divorces.

By migratory marriages we mean, going from one county or State to another to marry, for the purpose of haste and concealment, often with the deliberate intent of defrauding the well-known law of the State in which they expect to reside as citizens, and with ill-conceived notions of what marriage means and ought to mean to every honorable citizen.

By fraudulent divorces we mean that the decree of divorce or of annulment of marriage is secured by perjured or purchased testimony, or by connivance and collusion between the parties, or between one of the parties and one or both of the lawyers.

Remember that the Hon. Walter Bordwell, former presiding judge of the Superior Court of California in Los Angeles County, insists that at least half of all the divorces granted are probably fraudulent. Matthew T. Allen, former chief justice of the Court of Appeal for the Second District of Cqlifornia, and Thomas F. Graham, presiding judge of the Superior Court in San Francisco County, strongly confirm and support this estimate.

The hasty and ill-considered marriage and the fraudulent divorce each lead to the other, and together they are now menacing the life of the Nation.

In support of Judge Bordwell's contention, we find that nearly 29 per cent or considerably more than one-quarter of the divorces granted in America, are heard after summons has been served on the defendant by publication only. The insignificant circulation of the paper, in which the service of summons is had, makes it highly probable that not more than one or two in a hundred of the persons so served will ever hear of the case before it comes to trial.

Moreover, from 80 to 90 per cent of the divorce decrees are granted in default, which means without any defense or rebuttal whatsoever. Of these many are granted on the uncorroborated testimony of the plaintiff. Thus is given ample room for even larger frauds than Judge Bordwell and a host of men of equal rank predicate. Only by means of a Federal law on marriage and divorce can we hope to eradicate these mighty frauds in divorce procedure.

To prepare the way for this Federal law, it is necessary that three-quarters of the States should approve an amendment to the Federal Constitution, giving to the Federal Congress the authority to legislate on all questions of marriage and divorce and to enforce penalties for the violation of such laws. It should be a chief aim of such legislation to secure to the children their parents' protection for the full term of years allotted by the hand of Almighty God.

Not only the honor and proper training of our children, but also the real force of our religion is the issue that confronts us. God says that divorce is dishonorable, and that it takes away the children's glory forever. (See Micah 2:9 and 10.)

God says that He hates divorce, because it means treacherous dealings against defenseless women; gross betrayal of the wife a man took in his youth, who bore him his first children and shared the hardships of his first imperfect efforts at self-support. God says that in and by the marriage covenant He made the man and the woman one. As a reason for this union He says that by it He seeks holy children. He declares that not man who has even a residue of the Holy Spirit has dealt treacherously with the wife of his youth. Jehovah repeats that He hates putting away. (See Malachi 2:14 to 16.) Free divorce smites God and the children together.

The Census Bureau's estimate that more than 150,000 divorces are being granted in America in the year 1915 means that not less than 80,000 children are this year made divorce orphans; and that an army of over 91,000 children will be left by their parents in like manner to open and lasting dishonor in the year 1917. Can we fail to note that more than half of these children named in the decrees of divorce we are granting so

madly are of very tender years? Look well, oh wolves. Look well, you judges and preachers who eat up my little lambs as a flame licks up the dry stubble. For more than half of these tender broods are less than 10 years of age.

A recent report of the California State Board of Charities and Corrections affirmed that over 34 per cent (or more than one-third) of the children found enrolled as delinquents and dependents in our State reform school at Whittier, in the 21 years from 1892 to 1912, inclusive, came from homes broken by separation.

We call upon you to help save the children from the blight of this consuming flame.

The bill submitting the needed amendment to the Federal Constitution has been reintroduced in both Houses at the present session of our Federal Congress, and the favor of the President and his Cabinet is most earnestly desired.

We are asking you to work and fight for these bills until they are passed by the Congress and approved by the legislatures of three-fourths of the States of our Republic.

Will you write at once to President Woodrow Wilson at Washington, D. C.? If you favor a single, high standard, national marriage and divorce law, please say so now to the President. Place before him as strongly as you can the need of protection for the Nation's homes and the children's honor by Federal laws on marriage and divorce. You may have been present at some divorce court and may have seen the slipshod methods of the unjust judge, or you may have personal knowledge of the gross injustice and bitter hardships suffered every year by a great number of women and children in this Nation because of lying decrees of divorce. Let the President have it in short, clear-cut words, and send us a copy for future reference.

It will no doubt encourage the Nation's women to participate more freely in this campaign of education, if they know that it was the reading of A Nation's Crime, a book written by a San Francisco woman of considerable prominence, Mrs. I. Lowenberg, that pushed forward by at least two years the commencement of the legislative side of the present campaign for the Federal marriage and divorce law.

Many others have called attention to the great need of the Nation for such protection of the children's rights, but Mrs. Lowenberg first dared to show that murder, suicide, long-lived sorrow and lasting disgrace in many forms are heaped up among us on account of the lack of justice in our marriage and divorce laws.

It is the children that are the chief and worst sufferers. Will you hear and heed their call?

THE HISTORY OF 10 YEARS OF HOME SMASHING, 1905–1914, LOS ANGELES COUNTY, CAL.

Total persons separated by divorce, 15,686; total persons separated by annulment, 434; persons legally permitted to remarry, 16,120. Divorced persons married, 8,918; or 55 per cent of 16,120; divorced brides married, 4,780, or 59 per cent of 8,060, divorced grooms married, 4,138, or 51 per cent of 8,060.

In 1905 only a trifle over 50 per cent of the persons divorced were remarried.

Last year (1914) 2,188 persons were told by the Los Angeles courts that they were free to remarry. Fourteen hundred and nine such persons did remarry, or 64 per cent of all so allowed, including 70 per cent of the divorced women.

BRIEF IN RE FEDERAL LAW ON MARRIAGE AND DIVORCE.

Prepared by Hon. Wm. W. Morrow, judge of the United States Circuit Court of Appeals, San Francisco, Cal.]

SAN FRANCISCO, CAL., *February 17, 1915.*

The evils of divorce as existing in the United States at the present time can hardly be exaggerated. Affecting as it does the family life, the home life of the Nation, it should receive at the hands of Congress the most serious attention. If the sovereign States as individuals are concerned in this matter, how much more are they concerned as a whole? There are many analogous matters in which the interests of the people of the United States are concernedwhich have of late years received Federal attention and legislation.

Take for instance the question of naturalization: Not many years ago every court in the country granted decrees admitting applicants to citizenship without check or supervision. As a result there was not only much fraud committed by sponsors and by candidates in the testimony given to support the application, but undue haste in granting the decrees sometimes resulted in courts holding special day and night sessions just before an election, and letting in all who might be useful with their votes without let or hindrance.

The nation at large became greatly concerned in the question of who should be allowed to become its citizens, and so legislation was had adding safeguards to naturalization procedure, and providing an expert examiner to conduct the examination in court on behalf of the Government, thus enabling the court to reject all who in its opinion were unworthy to receive franchise.

In the matter of bankruptcy, also, the uniform system of the Federal courts has been most beneficial. The advantages of the system can not be stated here, but they are well known to the business men of the country.

The creation of an Interstate Commerce Commission and a Federtl Trade Commission grew out of the imperative need for uniform laws upon those subjects for the whole country.

There is just as much reason for the Federal Government to take a hand in the matter of divorce as there was and is in the matters above specified. Unfortunately, under the Constitution as at present framed, Congress can not act in the matter. An amendment to the Constitution will be necessary. The difficulty in obtaining such an amendment would arise from those who hold an exaggerated idea of the liberty of the subject, or of the rights of the several States to settle all such matters for themselves.

A State like South Carolina, whose true boast it is that no divorce is permitted within its bounds, and never has been permitted except for a few years following the reconstruction period, would be sure to oppose such legislation, or any amendment to the Constitution which would permit a divorce within the State.

Academically speaking, there would seem to be no objection to any such amendment provided that no dissenting State should be compelled to avail itself of the provisions of the amendment or of the laws enforcing the same. That is to say, Congress might be permitted to provide that no State should be compelled to allow divorces, while insisting that the citizens of any State, where divorce laws did exist, should only be entitled to obtain relief from the bonds of matrimony through the Federal court, and in accordance with the regulations of the act, both as to grounds and procedure.

Such an act should provide for its enforcement an official divorce commissioner or examiner, in every judicial district, as part of the Federal judiciary. This in itself would render divorces more difficult to obtain. There can be no more expedition needed in the matter of obtaining a decree of divorce than there is in obtaining a decree of naturalization. No more inconvenience would be caused by delay in the one than in the other. The grounds for divorce would be restricted and the procedure made uniform.

A decree of divorce once obtained would then be valid all over the land, and recognized in every State. There would be no conflict of laws either as regards the right to remarry, or the rights of children, or the rights to property, the last named of which is, under our present conditions, involved in the greatest confusion.

WM. W. MORROW.

Proceedings for divorce and for annulment of marriage, Los Angeles County, Cal., 1905–1914, ten years.

Year.	Petitions.	Int. Dec.	Annulments.	Finals.
1905	957	627	10	441
1906	1,048	718	16	561
1907	1,151	673	14	576
1908	1,218	743	19	668
1909	1,504	1,015	19	653
1910	1,711	998	25	909
1911	1,818	1,173	27	832
1912	1,943	1,225	32	1,059
1913	2,282	1,140	25	1,080
1914	2,407	1,403	30	1,064
Total	16,039	9,715	217	7,843
Annulments of marriage				217
Total decrees dissolving marriage				8,060

Of the 3,000 counties found in the United States in 1910, only 4 ever had that many decrees of divorce, even in 20 years, prior to 1906.

Remarriage of divorced persons, Los Angeles County, Cal., 1905–1914.

Year.	Grooms.	Brides.	Total.	Year.	Grooms.	Brides.	Total.
1905	212	254	466	1911	455	554	1,009
1906	290	314	604	1912	579	681	1,260
1907	287	385	672	1913	628	711	1,339
1908	272	328	600	1914	679	730	1,409
1909	342	386	728				
1910	402	437	839	Total	4,146	4,780	8,926

Divorce rates based on total estimated population, for geographic divisions, by single years: 1867 to 1906.

Year.	Continental United States.			North Atlantic Division.			South Atlantic Division.		
	Estimated population.	Divorces.		Estimated population.	Divorces.		Estimated population.	Divorces.	
		Number.	Per 100,000 population.		Number.	Per 100,000 population.		Number.	Per 100,000 population.
1906	83,941,510	72,062	86	23,388,682	9,648	41	11,413,343	4,945	43
1905	82,574,195	67,976	82	22,998,353	9,798	43	11,251,699	4,703	42
1904	81,261,856	66,199	81	22,608,020	9,670	43	11,090,055	4,535	41
1903	79,900,389	64,925	81	22,140,788	9,475	43	10,931,970	4,291	39
1902	78,576,436	61,480	78	21,778,196	8,729	40	10,770,414	3,919	36
1901	77,274,967	60,984	79	21,411,507	8,634	40	10,601,373	3,837	36
1900	[1] 75,994,575	55,751	73	[1] 21,046,095	8,244	39	[1] 10,443,480	3,487	33
1899	74,689,389	51,437	69	20,682,722	7,518	36	10,284,924	3,132	30
1898	73,385,403	47,849	65	20,318,750	7,217	36	10,126,368	2,860	28
1897	72,080,517	44,699	62	19,954,777	6,684	33	9,967,813	2,961	30
1896	70,775,831	42,937	61	19,590,905	6,781	35	9,809,257	2,579	26
1895	69,471,145	40,387	58	19,226,832	6,655	35	9,650,701	2,327	24
1894	68,166,458	37,568	55	18,862,859	6,310	33	9,492,145	2,098	22
1893	66,861,772	37,468	56	18,498,887	6,213	34	9,333,589	2,107	23
1892	65,557,086	36,579	56	18,134,914	5,733	32	9,175,034	1,972	21
1891	64,252,400	35,540	55	17,770,942	5,560	31	9,016,478	2,098	23
1890	[1] 62,947,714	33,461	53	[1] 17,406,969	5,133	29	[1] 8,857,922	1,843	21
1889	61,375,403	31,735	52	17,112,131	5,516	32	8,731,848	1,897	22
1888	60,128,957	28,669	48	16,822,717	4,740	28	8,605,775	1,618	19
1887	58,882,510	27,919	47	16,533,304	4,662	28	8,479,703	1,404	17
1886	57,635,663	25,535	44	16,243,890	4,574	28	8,353,631	1,424	17
1885	56,389,017	23,472	42	15,954,476	4,123	26	8,227,559	1,296	16
1884	55,142,370	22,994	42	15,665,062	4,271	27	8,101,486	1,227	15
1883	53,895,723	23,198	43	15,375,648	4,277	28	7,975,414	1,208	15
1882	52,649,076	22,112	42	15,086,235	4,533	30	7,849,342	1,133	14
1881	51,402,430	20,762	40	14,796,821	4,054	27	7,723,269	1,022	13
1880	[1] 50,155,783	19,663	39	[1] 14,507,407	4,225	29	[1] 7,597,197	969	13
1879	48,996,042	17,083	35	14,286,539	3,583	25	7,422,838	879	12
1878	47,836,301	16,089	34	14,065,672	3,580	25	7,248,480	748	10
1877	46,676,559	15,687	34	13,844,804	3,389	24	7,074,121	768	11
1876	45,516,818	14,800	33	13,623,936	3,311	24	6,899,762	729	11
1875	44,357,077	14,212	32	13,403,069	3,536	26	6,725,404	735	11
1874	43,197,336	13,989	32	13,182,201	3,845	29	6,551,045	669	10
1873	42,037,595	13,156	31	12,961,333	3,269	25	6,376,686	648	10
1872	40,877,853	12,390	30	12,740,465	3,038	24	6,202,327	568	9
1871	39,718,112	11,586	29	12,519,598	3,090	25	6,027,969	527	9
1870	[1] 38,558,371	10,962	28	[1] 12,298,730	3,145	26	[1] 5,853,610	483	8
1869	37,846,866	10,939	29	12,128,284	3,303	27	5,804,719	468	8
1868	37,135,361	10,150	27	11,957,838	3,237	27	5,755,829	378	7
1867	36,423,856	9,937	27	11,787,391	3,120	26	5,706,938	478	8

[1] Actual enumeration. In 1890 includes the population of Indian Territory and Indian reservations specially enumerated.

Divorce rates based on total estimated population, for geographic divisions, by single years: 1867 to 1906—Continued.

Year.	North Central Division.			South Central Division.			Western Division.		
	Estimated population.	Divorces.		Estimated population.	Divorces.		Estimated population.	Divorces.	
		Number.	Per 100,000 population.		Number.	Per 100,000 population.		Number.	Per 100,000 population.
1906	28,628,813	30,926	108	15,825,999	18,666	118	4,684,673	7,877	168
1905	28,203,350	29,396	104	15,535,007	17,023	110	4,585,796	7,056	154
1904	27,832,858	28,579	103	15,244,015	17,391	114	4,486,898	6,024	134
1903	27,490,096	29,451	107	14,941,636	15,598	104	4,394,999	6,110	139
1902	27,087,206	27,936	103	14,651,535	14,794	101	4,289,085	6,102	142
1901	26,709,304	27,221	102	14,362,503	15,456	108	4,190,280	5,836	139
1900	[1] 26,333,001	25,056	95	[1] 14,080,017	13,614	97	[1] 4,091,349	5,350	131
1899	25,910,745	24,354	94	13,789,056	11,624	84	3,992,441	4,809	120
1898	25,548,487	22,451	88	13,498,065	11,091	82	3,839,533	4,230	109
1897	25,156,228	20,597	82	13,207,074	10,389	79	3,794,625	4,078	107
1896	24,763,969	19,804	80	12,916,083	10,096	78	3,695,717	3,677	99
1895	24,371,711	19,494	80	12,625,092	8,470	67	3,596,809	3,441	96
1894	23,979,452	17,762	74	12,334,101	8,130	66	3,497,901	3,268	93
1893	23,587,193	18,031	76	12,043,110	7,976	66	3,398,993	3,141	92
1892	23,194,934	17,843	77	11,752,119	7,181	61	3,300,085	3,850	117
1891	22,802,676	16,570	73	11,461,128	7,590	66	3,201,177	3,722	116
1890	[1] 22,410,417	16,100	72	[1] 11,170,137	7,085	63	[1] 3,102,269	3,300	106
1889	21,862,462	14,861	68	10,767,541	6,560	61	2,901,621	2,871	99
1888	21,362,645	13,922	65	10,562,189	5,968	57	2,775,080	2,421	87
1887	20,862,829	14,122	68	10,356,836	5,557	54	2,649,538	2,174	82
1886	20,363,012	12,344	61	10,151,481	4,893	48	2,523,647	2,300	91
1885	19,863,195	11,428	58	9,946,132	4,481	45	2,397,055	2,144	89
1884	19,363,378	11,206	58	9,740,780	4,037	41	2,271,683	2,251	99
1883	18,863,561	11,444	61	9,535,428	4,000	42	2,145,672	2,229	104
1882	18,363,745	10,997	60	9,330,075	3,509	38	2,019,680	1,940	96
1881	17,863,928	10,276	58	9,124,723	3,661	40	1,893,689	1,749	92
1880	[1] 17,364,111	9,670	56	[1] 8,919,371	3,335	37	[1] 1,767,697	1,464	83
1879	16,925,811	8,490	50	8,670,875	2,821	33	1,689,078	1,310	78
1878	16,487,511	7,989	48	8,422,379	2,404	29	1,612,280	1,368	85
1877	16,049,211	7,394	46	8,173,883	2,201	27	1,534,541	1,935	126
1876	15,610,911	7,157	46	7,925,387	1,951	25	1,456,822	1,652	113
1875	15,172,611	6,986	46	7,676,891	1,783	23	1,379,104	1,172	85
1874	14,734,311	6,830	46	7,428,394	1,652	22	1,301,385	993	76
1873	14,296,011	6,664	47	7,179,898	1,681	23	1,223,666	894	73
1872	13,857,711	6,629	48	6,931,402	1,451	21	1,145,947	704	61
1871	13,419,411	6,039	45	6,682,906	1,344	20	1,068,229	586	55
1870	[1] 12,981,111	5,622	43	[1] 6,434,410	1,157	18	[1] 990,510	555	56
1869	12,502,672	5,569	44	6,307,335	1,058	17	953,357	541	57
1868	12,204,332	5,166	42	6,301,260	917	15	916,203	452	49
1867	11,815,793	4,928	42	6,234,084	951	15	879,050	460	52

[1] Actual enumeration. In 1890 includes the population of Indian Territory and Indian reservations specially enumerated.

This is the most significant divorce table in existence. It shows first of all the rapid increase of the prevalence of divorce in every part of the Nation. It proves also the eternal precedence of the western division over the whole country and over every other division in the facile granting of divorces. In 1867 the western divorce rate was just twice that of the North Atlantic division. In 1906 it is more than four times as great. This table also portrays the growing supremacy of the southern divisions over their respective northern divisions.

Amazing as these figures are, to get at the real facts we must make a clearer comparison. If every married man in the United States had gotten a divorce in 1910, about 18,000,000 divorces would have reached every married couple and every married person in the whole country. But official figures and estimates from the Government at Washington, D. C., for the 16 years of this century will show over 1,005,072 (1907–1916) estimated, 332,642 (1902–1906) counted, 60,984 (1901) counted; total, 1,398,698 divorces actually granted, separating nearly 2,800,000 adults and making over 979,089 divorce orphans, a grand total of 3,776,485 persons named in decrees of divorce since the year 1900 closed the last century. Note well that this is the official count and estimate of the United States Census Bureau.

Mr. RAKER. I want to say just a few words in reference to this matter. With an experience of some 35 years as a practicing attorney, a number of years as district attorney of my county, and for eight years on the bench, I had more or less opportunity to see the workings of the divorce law in my State and the divorce laws of the adjoining States, and to become more or less familiar with the divorce laws of this country. As a matter in the interest of the people generally, in order to avoid any possible conflict as to the legitimacy and as to property rights, it seems to me this is a subject well worth the while of Congress to consider and pass this resolution to permit the several States, if they see fit, to vote upon the question of a constitutional amendment to the end that we might have a uniform divorce law, both a marriage and divorce law, so that if a man is married in New York or obtains a divorce in New York and goes to California or to Nevada or to any other State, he will know exactly what would be the consequences, both as to marriage and as to property and as to the effect upon his children.

There are cases now where a divorce is granted to a man in New York, and he goes out to some other State and lives and remarries and then comes back to the Eastern States he finds he has two wives. There is a complication as to the legitimacy of the children. There is a question involved as to the property, and it is a very unsatisfactory and deplorable condition. I am fully convinced that the good that will come from a uniform marriage and divorce law, with grounds fixed by Congress, can be of inestimable value. Therefore, not only because of my own feeling in the matter, but from the experience of my State, I feel more than justified in presenting this matter to the committee and urging a favorable report upon this resolution.

Mr. WHALEY. Do you believe in divorce?

Mr. RAKER. Yes; with certain restrictions. I must say that there are cases, and I have seen them, in which it is worse than hell on earth to permit a woman to live with a certain man.

Mr. WHALEY. She can separate from the man.

Mr. RAKER. Allow me to complete my sentence. Therefore she should be free, and there are times when men are joined with their opposites, and I do not believe that the good Lord or man intended that either party should suffer untold misery for the rest of their lives.

Now, in reference to the question of separation, I am unalterably opposed to separation. I know some States have it, but I never encouraged it, and never took a case where a party simply asked for separation.

Mr. WHALEY. Do you know of anything in the Bible that justifies divorce?

Mr. RAKER. I have not gone into that subject. I will leave that to the committee.

Mr. WHALEY. In my State we have no divorce law, and therefore we have no legal complications arising in reference to that. We have a higher standard than California or Nevada. Why should we be forced to lower our standard of morality because you want to raise yours?

Mr. RAKER. You can lower the standard of morality by a separation. The parties are legally bound by the civil contract under the law, and that is what it is now. Therefore why not give them an

opportunity, if they desire to completely dissolve all the past relations, so that they may start out in life anew?

Mr. WHALEY. Do you not believe where you have a provision for divorce it places a premium on people not getting along together, and that where you do not have divorce laws, that it works the other way? That has been our experience in South Carolina. We have not got any divorce law down there, and we have very few separations. I do not believe we have had more than seven in the whole State, with a million and a half population. You never hear of them going to other States and getting divorces, very few of them. I only know of one in my own town. We have a high standard and live up to it. Why should we have our standard lowered because the other States want to force us to do it by the adoption of such a law as is proposed?

Mr. RAKER. With all due deference to my colleague, I can not see how there will be a lowering of the standard, because this separation certainly can bring no good results. It divides the two families and they are both unhappy. They are not doing as they ought to do, maintaining and raising a family. They can not do it if they separate. Therefore I can not believe that either the laws of God or of man intended that they should be thus situated if they find themselves under those circumstances. If they separate in your State and stay apart, it must be put beyond dispute that they will separate. Can there be any good coming from that separation from any point of view, either to the country to the community, or to themselves? They lose their homes, and neither is complying with the laws of God or the laws of man to maintain a home and rear a family as they ought to do. Should they not be given an opportunity to start anew in their life?

Mr. WHALEY. You do not get my point. Where they know they can not get a divorce they are not going to separate, and it is only in exceptional cases that they do separate.

Mr. RAKER. I am sorry I have not had any experience in your State in learning what has been done. I imagine that both men and women who live in your State will leave the State and eventually get a divorce in some other State.

Mr. WHALEY. They are so few you can count them on one hand.

Mr. RAKER. If you could count them on one hand, it shows that they will leave their home and leave all their kindred and leave their early surroundings and go to some other place to be free.

Mr. WHALEY. That is generally the case where somebody in the State marries somebody from outside of the State. It is very seldom that you find two South Carolinians who go outside of the State to get a divorce. They have been reared in a different atmosphere.

Mr. RAKER. Generally speaking, I think it would bring better results to allow a divorce in proper cases.

The CHAIRMAN. Mr. Raker, how many causes do you think there ought to be for divorce, outside of the Biblical cause?

Mr. RAKER. We have had in our State for a while a law providing drunkenness should be a ground for divorce if it continued for a year. I tried in one case to deny a party a divorce on the ground of drunkenness, holding that our State permitted the wife to go before the court and have the juvenile court take charge of the husband at any time, compelling him to provide for the wife, and the court can put him at

work and make him provide for the wife, and thereby prevent his continuous intoxication, but I found I had possibly gone too far, and therefore I did not carry it to that extent.

Mr. GARD. How about habitual drunkenness proven for three years?

Mr. RAKER. That is what I mean. We have a statute under which the wife at any time can go to the court and make affidavit that her husband is habitually intoxicated, and it is the duty of the court to take charge of the man and put him to work.

Mr. GARD. We are talking about causes for divorce.

Mr. RAKER. I think we ought to allow divorce on account of habitual drunkenness for a year.

Mr. GARD. I do not.

The CHAIRMAN. What about desertion, for three or four or five years? In other words, suppose a man marries a good woman, say, for instance, in your State, and leaves her and goes to the Philippines, or to Hawaii, or anywhere else, and is gone five or six years?

Mr. RAKER. If there is no chance for reconciliation, I believe she ought to have a divorce.

Mr. GARD. What would you say about imprisonment in the penitentiary?

Mr. RAKER. I do not believe that should be a cause, except in certain cases.

Mr. GARD. Suppose a man has been sentenced to the penitentiary for life for murder?

Mr. RAKER. I have seen a man sent to the State prison and the wife immediately got a divorce, and the man was out in a year, and it seemed to me there was a good deal of assistance on her part to put him in there.

Mr. GARD. Suppose the case of a man convicted of murder and sentenced for life to the penitentiary. Suppose that he does not remain in there during his natural life time—of, course, if his death occurred, that would obviate the necessity for divorce—but suppose he stays there 20 years, do you think it right that the wife should be chained to him for 20 years under those conditions?

Mr. RAKER. In our State a man who is convicted and sent to State prison creates a ground for divorce, but I think there ought to be a limitation. If he is convicted and sent to prison for 15 years or more, or say 10 years, I think the wife ought to have a divorce upon that ground.

Mr. NELSON. What would you say about cruel and inhuman treatment?

Mr. RAKER. In answer to that question, I should say that cruel and inhuman treatment is a good ground for divorce.

Mr. WHALEY. What would you say about incurable insanity?

Mr. RAKER. I do not believe divorce ought to be granted on that ground, because you can not tell about that. I should say, from personal observation—we never permitted a divorce in our State until by special act some party wanted one—from observation, I do not believe that a divorce should be granted on the ground of insanity, because you can not tell definitely about that. It is an indefinite proposition. I think either the husband or the wife ought to assist in looking after the other party in a case of that kind.

Mr. WHALEY. That is pretty hard on the woman, is it not?

Mr. RAKER. Not more so than on the man. She has made what she has, and he has lost his reason, and it may return in a short time. If it does, she may give him assistance. That is all right. There is no difference of opinion between the husband and the wife, because he has lost his mind.

The CHAIRMAN. Suppose you have a certificate from leading alienists to the effect that the man is permanently insane? The woman has no husband in the legal sense. Why should she not be allowed to rid herself of a dead body?

Mr. RAKER. I do not think she ought to be.

Mr. VOLSTEAD. There seems to be a good deal of difference of opinion around this table in connection with this subject.

Mr. RAKER. I am just expressing my view in connection with it.

Mr. WHALEY. What is the difference between an insane man and an habitual drunkard?

Mr. RAKER. One has mind and reason and is responsible for his acts and his cruelty to his wife, and is responsible for not providing for the children. It is an entirely different thing from insanity. In a case of insanity a man loses his reason, and he may regain it in a short time,

Mr. WHALEY. You do not believe an habitual drunkard is a diseased man?

Mr. RAKER. I have heard men say that when a man becomes a drunkard he has a disease.

Mr. WHALEY. Do you not believe he is as much a diseased man as he would be if he had typhoid fever or any other disease?

Mr. RAKER. No. I never saw a man in my life who was a drunkard who did not know what he was doing when he was drunk, notwithstanding testimony to the contrary, both in court and otherwise. It is my view that when a man gets drunk in 9 cases out of 10 he gets drunk purposely. He dulls his senses for the purpose of trying to carry out some evil purpose.

Mr. WHALEY. Do you not know of cases of habitual drunkards who have been kept away from drink for awhile, and had their will power built up?

Mr. RAKER. I know many——

Mr. WHALEY (interposing). Do you not believe that such a man was diseased, and if he was cured, he was cured the same as an insane person?

Mr. RAKER. There is such a difference of opinion upon that question that my opinion in reference to it would not assist the committee at all.

Mr. WHALEY. I am asking you that because my judgment is that the only ground upon what I would ever grant a divorce would be the ground of drunkenness.

Mr. GARD. What would you say about a case where there was a previous husband or wife living? That ought to be a ground for divorce, ought it not? It is bigamy.

Mr. RAKER. He is not a single man, and therefore the second marriage is null.

Mr. GARD. No; it is not.

Mr. RAKER. It is with us.

Mr. GARD. A man would have to bring a suit to annul the second marriage.

Mr. RAKER. It can be set aside at any time. The statute of limitations does not run.

Mr. EDMONDS. Mr. Chairman, if I may make a suggestion to the committee, the resolution drawn by me has no idea of going into any of the causes for divorce, or going into any of the reasons what legislation on that subject should be passed by Congress, if this resolution should become a law. It looked to me as if it was necessary to have some uniform system of marriage and divorce laws in this country.

There are several gentlemen here who have come from a distance to address the committee in regard to this resolution, and I would be very glad to have them heard. But if we go afield into the questions of what kind of law Congress will draw, or whether it is a good thing to put such a provision in a joint resolution so that the States can join in these laws, I think that is a matter which is up to the committee. I do not believe that you will take up the question of what kind of laws Congress will pass, even if you decide to favorably report this resolution, because after all, if Congress considers it is its duty to pass a law, I have no doubt it will pass a good law.

Mr. MOODY. I think Mr. Raker has cleared up a good many questions that have been raised.

I want to answer the gentleman from South Carolina, Mr. Whaley. It has been stated by eminent jurists that if a State shall vote that no divorce shall be granted for any cause within their jurisdiction, if that shall be determined by a majority of the electors, it will be perfectly legal for a State to say on what grounds divorces could be granted. South Carolina could then be taken care of. That would be a subsequent question.

Mr. WHALEY. You lose sight of the fact that when we pass a constitutional amendment we take that power away from the States.

Mr. MOODY. Not if the statute were so framed that the States can vote on a question?

Mr. WHALEY. But you can not go beyond the Constitution.

Mr. CRAFTS. Congress can provide that the States can make as high standards as they please.

Mr. GARD. Congressman Sinnott desires to present a memorial to the committee.

STATEMENT OF HON. NICHOLAS J. SINNOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON.

Mr. SINNOTT. Mr. Chairman, I merely desire to present a memorial adopted by the legislature of the State of Oregon in reference to this subject, which was filed in the office of the secretary of state of Oregon on January 27, 1913.

Mr. GARD. The memorial will be received and placed on file with the committee.

Mr. CRAFTS. Mr. Chairman, I now desire to present to the committee Rev. Forrest J. Prettyman, the Chaplain of the United States Senate, representing the Methodist Episcopal Church South.

STATEMENT OF REV. FORREST J. PRETTYMAN, D. D., OF WASHINGTON, D. C.

Dr. PRETTYMAN. Mr. Chairman, I am not here for the purpose of entering into any argument in relation to this question, but only to count one in the presentation of this case, because I have felt with. perhaps, everybody else, that this multiplicity of divorces is bound to become a national scandal. I have the deepest possible conviction that on the character of the home life depends the character of the Government. I shall not enter into that.

I am a member of the Methodist Episcopal Church South, and I want to call your attention to the fact that there is a law already to guide the ministers of that church with reference to the remarriage of divorced people.

I think that the statements of the ministers before this committee—the statements of the representatives of the churches—ought to have special weight in regard to this particular piece of legislation more than almost any other kind of legislation, because the churches have been made a party to the marriage contract by the State. The marriage vows are administered by the representatives of the church, and since that is the case they are, of course, peculiarly interested in this matter, and I think their testimony ought to have special weight.

I want to call your attention to a section in the book of discipline of the Methodist Episcopal Church South. That church has about 2,000,000 members, with a constituency of five times that number, covering in large measure the Southern States of this country and the Western States. In the book of discipline there is this provision:

> The ministers of our church shall be prohibited from solemnizing the rites of matrimony between divorced persons, except in case of innocent parties who have been divorced for the one scriptural cause.

That is the answer my church gives to that question, and I thoroughly believe in it.

I want also to call your attention to a statement which was made and a resolution passed by the general conference of my church. This general conference is composed of an equal number of laymen and preachers, and among the laymen at the conference which was held in Asheville, N. C., in 1910, were a number of Members of Congress, some of whom are Members of the present Congress, representative laymen of the Southern States, and this resolution was unanimously passed:

> Your committee on temperance and other moral and social questions to whom was referred a resolution on the subject of uniform divorce laws, signed by Nelson B. Henry, H. M. Du Bose, C. L. Whitener, Paul H. Linn, M. T. Haw, B. G. Shackelford, W. F. McMurray, L. P. Brown, and W. R. Lambuth, beg leave to concur therein, and recommend the passage of the same by this conference, as follows:
>
> Whereas, the home being the unit of our civilization, its preservation is essential to our general welfare, and whatever forces disturb the peace of the home are therefore hostile to the Government; and
>
> Whereas our present diversified divorce laws make it an easy matter in many instances to break the matrimonial bonds; and
>
> Whereas it is the duty of a great and influential church like ours not only to give forth no uncertain sound upon so momentous an evil, one whose baneful influences affect the home, society, and the Government, and threaten the very foundations of the kingdom of righteousness but it is also our duty to organize an effort to aid in checking this great evil; therefore,
>
> *Resolved*, That our bishops be requested to appoint a commission of five, whose duty it shall be to act in conjunction with the national committee on uniform divorce laws and in any other way their wisdom may suggest to check the growing divorce evil.

That resolution was unanimously passed by that body representing the Methodist Episcopal Church South.

I give you that so that you may know that this body, representing equally as many other organizations of this character and the intelligent and moral ideals of the Southland has gone upon record by unanimous vote in the interest of the passage of uniform divorce laws. I think it is hardly necessary to say that this body, which I am talking about, is an exceedingly conservative body. That has been its record in all its history. It comes into this question because it considers that it is a question of very vital importance to the permanency of the Government, and it has committed itself fully in its action to any movement looking to the passage of uniform divorce laws for the entire country.

Mr. WHALEY. Would you be in favor of forcing upon a State a divorce law when that State did not want a law granting divorces on any ground?

Dr. PRETTYMAN. I should be personally in favor—I have no idea that Congress would pass what I would like them to pass upon the matter—I should be most glad for the Congress to pass such a law as would approve the position of my church on the subject. I would like to see South Carolina have a law that would give that one scriptural cause as a ground for divorce.

Mr. WHALEY. Your idea is to open the door, and then perhaps we can let all the horses out of the stable?

Dr. PRETTYMAN. No; I do not want to do that. I do not think the Legislature or the people of South Carolina are wiser than our Lord in the matter of the ultimate family unit, and I think you will find that our Roman Catholic friends will not agree with me; but that is my opinion and it is my interpretation of the Scriptures. I would like to see all the things conform to the scriptural standard.

Mr. WHALEY. Do you think it would raise the morality of South Carolina to open the door to that one cause and close it to all other causes?

Dr. PRETTYMAN. I think so.

The CHAIRMAN. I do not think he means to say he would keep it open for all causes.

Dr. PRETTYMAN. I do not. That was not my thought.

Mr. WHALEY. I asked you if you thought it would be better to open the door for this one cause and let them all come in?

Dr. PRETTYMAN. No; I misunderstood your question. Not at all. I am not responsible for what Congress is going to do.

Mr. CRAFTS. Mr. Chairman, I now desire to present to the committee Rev. Dr. Floyd W. Tompkins, rector of Holy Trinity Church, Philadelphia.

STATEMENT OF REV. FLOYD W. TOMPKINS, D. D., RECTOR HOLY TRINITY PROTESTANT EPISCOPAL CHURCH, PHILADELPHIA, PA.

Dr. TOMPKINS. Mr. Chairman, I shall not take much of your time. I wish to say I bring a letter from Bishop Rhinelander, bishop of Pennsylvania, which reads as follows:

STATEMENT SUBMITTED BY THE RT. REV. P. M. RHINELANDER, BISHOP OF THE DIOCESE OF PENNSYLVANIA.

PHILADELPHIA, *April 11, 1916.*

I consider this matter to be one of the most important that has come before Congress in recent years. I believe that nothing affects the welfare of our people so closely as the purity and preservation of the home. Our present lamentable condition in regard to divorce is a very serious danger. We are in a worse situation in this matter than any other civilized nation.

One chief cause of this growing scandal is that every State has its own law. Nothing can really be done in the way of reformation until some uniform standard is set up for the whole country. Not only will this put an end to the present demoralizing conflict between the marriage and divorce laws of the various States, but also it will—

(1) Fix the attention of the people on a matter of great public concern.
(2) Register the voice of public conscience.
(3) Provide a basis for the moral education of the Nation in regard to this vital matter.

In supporting this resolution, I have been asked personally to represent, among others, the Rt. Rev. Dr. Johnson, bishop of Los Angeles, who is deeply concerned. I am also very sure that the Episcopal Church, as a whole, would strongly support me in the position I have taken.

PHILIP M. RHINELANDER,
Bishop of Pennsylvania

I would also like to present a letter from Mrs. Joseph R. Wilson, a member of the educational committee of the National Safety Council, and vice-president of the same organization, who desires to go on record as being in favor of a Federal law on marriage and divorce.

(The letter referred to is as follows:)

NATIONAL SAFETY COUNCIL,
Philadelphia, April 11, 1916.

The Rev. Dr. FLOYD W. TOMKINS,
Rector of the Holy Trinity, Philadelphia.

MY DEAR DR. TOMKINS: As a member of the educational committee of the National Safety Council and as vice president of the Home and School League, I desire to go on record as in favor of a Federal law on marriage and divorce, and an amendment to the Constitution empowering Congress to pass such a law. Not that I am in favor of diminishing the causes of divorce, but I would make relief a matter for the Federal courts and the requisites of proof so strong as to reduce fraud to a minimum.

The master in divorce is probably one of its most seductive features, since cases can be heard in camera and divorces obtained without publicity. If there was more publicity, there would probably be fewer divorces. The elimination of masterships would, in my mind, be the extirpation of an evil.

Since the American Bar Association and many of the State bar associations have urged a Federal law on the subject of marriage and divorce, similar to the Federal bankruptcy act, there is little that woman can do to help. The bar of the United States has taken the initiative, and I believe it will ultimately be successful in effecting a national reformation by taking jurisdiction away from the States, and placing it where it belongs.

The marriage relation and the home are the foundation of the State, and Government has no higher prerogative than their preservation. Too often the preservation of the purity of a home can only be accomplished by divorce, and though extremists may regard it as an evil, my observation, covering a number of years, has led me to the unalterable conviction that in many instances divorce is a necessity.

In the preparation of a Federal statute we should be neither too lax nor too severe. Let us be human and just, and do what ought to be done regardless of those insupportable narrow theories which should long ago have been relegated to ancient history like the penance of the cloister cell.

Though this letter is an expression of my personal conviction, I desire to add that it is shared with me by many representative women, who are watching the course of events as eagerly as the writer.

Wishing you Godspeed upon this great cause which you are championing, and with kindest regards. I am,

Very sincerely, yours,

MRS. JOSEPH R. WILSON.

Mr. CHAIRMAN. I think the question before this committee is whether this resolution shall be submitted to the House of Representatives. It is not a question as to the character of the law. But eventually there must be some suggestion made as has been made already, I think, by some one, that this law should be passed, that it is the authority of Congress to make such a law, and if such a law is passed it should be a law that would not interfere with South Carolina or other States which desire to have higher moral standards.

I hope that some addition will be made to this resolution by Mr. Edmonds so that it will be satisfactory. It will be a pity if any State should be pulled down by congressional legislation.

At the same time we must recognize the fact that it is only by the means of a national law that this subject can be reached. Personally, I do not hesitate to say I do not believe in divorce at all. I think a man marries a woman with his eyes open, for better or for worse, in sickness and in health, until death do us part, as we say in the Protestant Episcopal Church. I think if a man wants to put away his wife he is a coward. He is not willing to meet the difficulties that come in connection with married life, whatever they may be.

We want a little bit of courage and dignity regarding this whole matter. It is said that a person who can not be divorced is to be pitied. Why to be pitied? This whole question of divorce is a remarriage question. In 9 cases out of every 10 my experience is where people are divorced that is done, either directly or indirectly, so that they can marry somebody else. They really do not marry somebody else, because I believe that a man who has a wife living and takes some one else is an adulterer.

Regarding the passage of the resolution, I think the positive declaration of our Lord sweeps aside any declaration which may seem to be partial.

I think also this is a question which can not be reached by the States. We have had Federal laws governing the distribution of our mail, why not begin to have some Federal law touching moral issues, particularly when those moral issues affect the home and affect the whole moral life?

We can hardly realize, perhaps, what a condition we are in. Do you know the United States of America comes only next to Japan in the number of divorces in proportion to marriages? A few years ago heathen Japan was just ahead of our glorious United States. Do we realize that in the last 50 years there have been over 2,000,000 divorces and a million and a half children left without either father or mother—left virtually orphans, and sometimes worse than orphans? We have the idea that marriage is nothing but a civil contract.

It was not so long ago when two boys were playing together in Newport, and they saw a man coming along the street, and one said

to the other, "Here comes my father." The other boy said, "He does not amount to much; he was my father once." That is the idea with which children grow up. They have no idea of home, and no idea of parentage. It is among a certain class, largely among the wealthier class, that this is true. It has gotten so now that it is almost bestial. A man and a woman are married and have children, and then they are divorced, and the divorced man marries another divorced woman, and the divorced woman marries another divorced man. I have known half a dozen cases of that kind in Philadelphia, and if that is not swinish I do not know what it is. I do not think any words can be too strong for it. If a man and a woman are going to cohabit together wherever they please, some action should be taken by the United States authorities to alleviate that condition.

Mr. GARD. Do I understand that your personal view is that a divorce should not be granted, even though adultery is proven?

Dr. TOMPKINS. Absolutely. They can separate. They should not be divorced. They have married for better or for worse.

Mr. NELSON. If you had a uniform marriage and divorce law, would you be in danger of only getting an average standard of the States throughout the country?

Dr. TOMPKINS. That would be some advantage, because some are very low and others, like South Carolina, are high, and an average standard would be better than the present conditions, and it would remedy the horrible anomaly of the present, living in adultery in one State and in married probity in another. The absurdity in such a matter as this, of laws contradicting each other in various States, it seems to me, ought to be self-evident.

The home lies at the foundation of national life, and our present State laws, varied, often contradictory, and in many cases badly lax, are hostile to the home. It is not necessary to prove that, because we know it to be the fact.

The United States comes second to Japan in the number of divorces proportionate to marriages.

Thousands of children are virtually fatherless or motherless, or both, through the frequency of divorce.

Only by a Federal law can we hope to regulate marriage, making one law for all, and so guard against divorces.

I do not pretend to say that we would reach the highest moral condition by a Federal law, but I do believe that would make a condition which would be much happier than the condition we have to-day. We ought to do something to purify ourselves of this evil. It is worse than slavery and worse than drink.

Mr. CRAFTS. Mr. Chairman, I now desire to introduce to the committee Monsignor Russell, pastor of St. Patrick's Roman Catholic Church of this city:

STATEMENT OF MONSIGNOR WILLIAM T. RUSSELL, PASTOR OF ST. PATRICK'S ROMAN CATHOLIC CHURCH, WASHINGTON, D. C.

Monsignor RUSSELL. Mr. Chairman, the Catholic can take but one position in regard to the matter of divorce, the position authorized by the sacred Scriptures themselves. We read in St. Mark, x, 9–12:

What, therefore, God hath joined together, let not man put asunder.

And in the house again His disciples asked him concerning the same thing, and He said to them:

Whosoever shall put away his wife and marry another, committeth adultery against her, and if the wife shall put away her husband and be married to another she committeth adultery.

We read likewise in St. Luke, xxvi, 18:

Everyone that putteth away his wife and marrieth another committeth adultery.

In both these texts we see that Christ calls it a crime for a man to put away his wife and marry another.

St. Paul puts this very forcibly in I Corinthians, vii, 10–11:

But to them that are married not I, but the Lord, command that the wife depart not from her husband, and if she depart that she remain unmarried or be reconciled to her husband. And let not the husband put away his wife.

And again, in Romans, vii, 2–3:

For a woman that hath a husband while her husband liveth is bound to the law. But if her husband be dead she is loosed from the law of her husband. Therefore, whilst her husband liveth she shall be called an adulteress if she be with another man.

The Catholic Church never grants a divorce. You may have heard it said that the church has sometimes granted divorce.

Let us define our terms. Divorce is the annulment of the sacrament of marriage ratified and consummated with the right to marry again. Such a divorce the church has never granted. The limits of her power extend to ascertaining this fact: Was there a true sacrament of marriage from the beginning? It is her duty to decide on the question of fact. She declares when there has been a marriage in fact; but to give the right to a second marriage is beyond her jurisdiction. Christ has decided that. When there is a true marriage in the beginning, neither bishop nor pope can invalidate it. God has spoken, leaving no discretion to any earthly power. All laws of discipline made by the church can be dispensed with by the church; but the church did not make this law of marriage, hence she can not dispense with it, for "What God hath joined together, let not man put asunder."

The influence of the Catholic Church in lessening this evil is recorded by the Commissioner of Labor in his report to Congress in 1886, page 112. This report says:

Large and increasing as the number of divorces in the United States is, it is an undeniable fact that were it not for the widespread influence of the Roman Catholic Church the number would be much greater. The loyalty of Catholics to the teachings and doctrines of their church, and the fact that one of the cardinal doctrines of the church is that Christian marriage is a holy sacrament which, when consummated, can be dissolved for no cause and in no manner save by death, has unquestionably served as a barrier to the volume of divorce which, except among members of that church, is and during the past 20 years has been assuming ever-increasing proportion throughout the country.

Weighty reasons are given to justify a second so-called marriage. Every reason which they adduce in favor of divorce can be applied with redoubled cogency against divorce. If the alienation of affection be given as a reason for terminating an unhappy union, we reply that the possibility of divorce encourages such alienation. If it be argued that uncongeniality is sufficient reason for divorce, we answer that the possibility of divorce encourages these hasty unions that prove so unhappy.

If crime be called ample reason to sanction a second marriage, we need but to turn to the records of divorce to see that crime has been committed in order to procure divorce.

If the welfare of the family and of the children be thought sufficient cause for divorce in some particular instances, we ask will you, for the sake of a few exceptional cases, put in jeopardy the happiness of the great majority of families by opening the door to divorce?

All laws which have in view the general welfare necessarily curtail the liberties of the individuals. There is no law, however good, but works detriment to some private interest. The few must suffer for the benefit of the many. The lesser loss which is inflicted is more than compensated for by the benefits which a well regulated society promises.

The family is the corner stone of society. Weaken that stronghold of morality and society goes down by its own weight—by the vicious passions that unrestrained social intercourse engenders. A pure society is essential to the well-being of man. A pure family life is essential to the well-being of society. Divorce is destructive of morality, both in the family and in society.

In some countries immorality is regulated by law, but crime is branded. Society, however, undermines its own foundations when, as in this country, it introduces a legalized adulterer into the sanctity of the home.

A few facts will show to what extent this loathsome leprosy of divorce has spread in our country. The total number of divorces granted in 1867 was 27 per 100,000 of the population. Forty years later, in 1906, there were 86 per 100,000; thus, allowing for the increased population, divorce had increased 319 per cent. In 1887 there was 1 divorce for every 17 marriages; in 1906, 1 for every 12 marriages, and at the same rate we will have in 1946 the appalling figure of 1 divorce for every 5 marriages.

During 1901 there were twice as many divorces granted among 75,000,000 Americans in the United States as among the 400,000,000 souls of Europe and other Christian countries. During the 20 years ended with 1906 Ireland had only 19 divorces, or an average of less than one absolute divorce per year for her entire population of 4,500,000.

Some of the absurdities of our present divorce law may be seen from this: A rich girl, disliking her guardian, went to the hospital with the intention of marrying a dying man, thinking that as a widow she would be free and have more control over her estate. She married a man seemingly at the point of death, but the man recovered and the wife brought suit for cruelty and fraud. The divorce was granted. (Report of Commissioner of Labor: "Marriage and divorce," p. 176.)

The eminent jurist, Judge Noah Davis, in the North American Review, volume 139, page 39, gives an excellent illustration of the evils caused by the diversity of our laws on marriage and divorce:

A is married in New York, where he has resided for years, and has a family and is the owner of real and other estate. He desires divorce and goes to Indiana, where that thing is cheap and easy. Upon complying with some local rule and with no actual notice to his wife he gets a decree of divorce and presently is married in that State to another wife, who brings him other children. He again acquires new estates, but, tiring of his second wife, he deserts her and goes to California, where in a brief space he is again divorced and then marries again, forming a new family and acquiring

new real and personal estates. In a few years his fickle taste changes again and he returns to New York, where he finds his first wife has obtained a valid divorce for his adulterous marriage in Indiana, which sets her free and forbids his marrying again during her lifetime. He then slips into an eastern State, takes a residence, acquires real property there, and after a period gets judicially freed from his California bonds. He returns to New York, takes some new affinity, crosses the New Jersey line, and in an hour is back in New York, enjoying as much of his estates as the courts have not adjudged to his first wife, and gives new children to the world. * * * He dies intestate. Now, what is the legal status and condition of the various citizens he has given to our common country? And what can the States of their birth or domicile do for them? A few words will show how difficult and important these questions are. The first wife's children are doubtless legitimate and heirs to his estate everywhere. The Indiana wife's children are legitimate there, but probably illegitimate anywhere else. The California children are legitimate there and in New York (that marriage having taken place after his first wife had obtained her divorce), but illegitimate in Indiana and elsewhere; while the second crop of New Yorkers are legitimate in the Eastern States and in New York and illegitimate in Indiana and California. There is real and personal property in each of those States. There are four widows, each entitled to dower and distribution somewhere and to some extent, and a large number of surely innocent children, whose legitimacy and property are at stake. All these legal embarrassments spring from want of uniformity of laws on a subject which should admit of no more diversity than the question of citizenship itself.

South Carolina is the only State in the Union which does not permit divorce. Judge J. O'Neill of the South Carolina Court of Appeals in the case of McCarthy *v.* McCarthy (2 Strobhart, 6), uses this emphatic language in regard to the stand taken by South Carolina against divorce:

It has received the entire sanction and acquiescence of the bench, the bar, the legislature and the people. * * * The legislature has nobly adhered to the injunction "Those whom God has joined let no man put asunder." The wording of this stern policy has been the good of the people and the State in every respect.

On May 1, 1914, Senator Ransdell received from Senator Tillman a communication which reads as follows:

The absence of a divorce law in South Carolina, is a matter of great pride with us. I know of no other principle so firmly fixed in the affections of the people. South Carolina, as you probably know, is ultra-Protestant in her religion, but she looks on the marriage relation with the same reverence as does the Catholic Church. Practically, if not theologically, marriage is with us a sacrament, and the curse of the whole State would fall on the man or set of men who would dare to make it less.

You ask if the absence of a divorce statute conduces to immorality. Unqualifiedly I answer, it does not. Our women—God bless and keep them in His holy care—are the fairest and best I have ever known, and as long as our men realize that to each of them is given one and only one woman, just so long will they see to it that purity and chastity continue to prevail. A South Carolinian can not say: "I will marry this woman now, and if she is not the right kind, I will divorce her." He must make sure beforehand, and he, therefore, demands that his woman be pure and above reproach. For the same reason, viz, the absence of divorce, the women know that the men demand that they be pure and innocent, and they meet the demand. Of course, not all men nor all women reason the matter out, but the effect is the same as if they did. Consciously or unconsciously, and largely because of the absence of divorce, South Carolina men tell their women:

Bear a lily in thy hand,
Gates of brass can not withstand
One touch of that magic wand.

and South Carolina women obey, and happy homes and families are the result.

Senator Ransdell further assures me that the South Carolina delegation in the House of Representatives, with whom he has conferred, had nothing but praise for the law. They told him that the people of their State would never consent to its repeal.

While the country at large would not be prepared to adopt the high Christian standard maintained by the Catholic Church, I feel convinced that the general sentiment is in favor of restricting this evil of divorce within narrower limits. To that end I would suggest (1) that the grounds for absolute divorce be limited to the fewest possible causes, and (2) that no remarriage in any case be allowed before two years have elapsed since the divorce was granted. This latter provision would give an occasion for the married people to think calmly, and at the same time an opportunity for friends to bring about a reconciliation.

I am convinced that it would be inadvisable to lay down any laws for the validity of marriage; the end desired could be obtained by making a registered marriage in any State valid in any other State. There are times when a secret marriage or an elopement may be desirable for the purpose of saving the reputation of the parties concerned, and I do not believe it would be at all advisable to make any laws forbidding such marriages.

Mr. CRAFTS. Mr. Chairman, I now desire to introduce to the committee Rev. Clarence A. Vincent, D. D., pastor of the Mount Pleasant Congregational Church of this city, who represents the entire Congregational Church at this hearing.

STATEMENT OF REV. CLARENCE A. VINCENT, D. D., PASTOR MOUNT PLEASANT CONGREGATIONAL CHURCH, WASHINGTON, D. C.

Dr. VINCENT. Mr. Chairman, I understand that this is not a question of my personal views on this matter, although they are high. I understand it is not what the law shall be, if a law shall ever be passed by the Congress, but it is a question of whether the Federal Government shall regulate the matter of divorce throughout the United States.

Our churches stand heartily in favor of Federal regulation of this matter.

I do not know that I need to say anything further, except that I could multiply instances that have come to me such as has been referred to by these gentlemen who have already addressed the committee, in regard to the evils that come through State regulation. May I give one instance?

There was a man who stood very high in educational circles in the United States who went into business. He was arrested for misappropriation of funds, and the case was in court for a year. It was one of the saddest cases, because of his position and because of the number of men and women who had gotten into these financial entanglements.

His wife and children stood by him during all those 15 or 16 months of agony, and as soon as he had been convicted, and by a strange circumstance let off with a heavy fine, he wrote his wife saying that they were not mentally adapted to each other, and urging that she permit him to get a divorce. It dragged on, and at last it was granted to her in full, but he was never to marry again. This was in the State of Washington. Immediately, when the decision was rendered, he took a train and went to New York and married a woman, as they claim, in New York, and left the country.

That never ought to be possible in any country, especially an enlightened country like ours.

I want to add simply that the Congregational Churches of the United States favor Federal control and regulation, and that the evils coming out of State control are beyond the power of the States to regulate, but I believe they can be reached by a Federal law.

Mr. CRAFTS. Mr. Chairman, I think we ought to have Mr. Edmonds, the sponsor of this amendment, say what he desires to say at this time.

STATEMENT OF HON. GEORGE W. EDMONDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA.

Mr. EDMONDS. Mr. Chairman, I do not care to take up much of your time, because I know you want to hear these other gentlemen.

I want to ask to put in the record a revised and concise résumé of the American divorce laws of the United States, contained in the New York World Almanac. I think that would be of interest to the committee.

Mr. GARD. Without objection, that may be put in the record.

Mr. EDMONDS. I would also present for the record a letter from the secretary of state of Illionis, forwarding a resolution passed by the legislature of Illinois, and also a copy of the uniform marriage evasion act of the same State, to which I want to call attention because of the peculiar condition of affairs in this State at the present time. It says, in section 1:

> That if any person residing and intending to continue to reside in this State and who is disabled or prohibited from contracting marriage under the laws of this State shall go into another State or country and there contract a marriage prohibited and declared void by the laws of this State, such marriage shall be null and void for all purposes in this State with the same effect as though such prohibited marriage had been entered into in this State.

There are also some other sections that I would like to put into the record, because I think it would be of interest for the committee to know how these questions are being handled in the different States.

(The matter referred to is as follows:)

MARRIAGE AND DIVORCE LAWS.

[Revised to Dec. 1, 1915.]

Marriage licenses.—Required in all the States and Territories except Alaska. California and New Mexico require both parties to appear and be examined under oath, or submit affidavit.

Marriage, prohibition of.—Marriages between whites and persons of negro descent are prohibited and punishable in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia.

Marriages between whites and Indians are void in Arizona, North Carolina, Oregon, and South Carolina; and between whites and Chinese in Arizona, California, Mississippi, Oregon, and Utah.

Marriage between first cousins is forbidden in Alaska, Arizona, Arkansas, Illinois, Indiana, Kansas, Missouri, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Washington, and Wyoming, and in some of them is declared incestuous and void, and marriage with step-relatives is forbidden

in all the States except Florida, Hawaiian Islands, Iowa, Kentucky, Minnesota, New York, Tennessee, Wisconsin.

Connecticut and Minnesota prohibit the marriage of an epileptic, imbecile, or feeble-minded woman under 45 years of age, or cohabitation by any male of this description with a woman under 45 years of age, and marriage of lunatics is void in the District of Columbia, Kentucky, Maine, Massachusetts, Nebraska; persons having sexual diseases in Michigan.

California prohibits divorced persons from marrying anywhere within a year by granting only an interlocutory decree at first and final decree 1 year later.

For age of consent see end of this table.

States.	Residence required.	Causes for absolute divorce in addition to adultery, which is cause for divorce in all the States.[1]
Alabama	1-3 years	Abandonment 2 years, crime against nature, habitual drunkenness, violence, pregnancy of wife by other than husband at marriage, physical incapacity, imprisonment for 2 years for felony, if husband becomes addicted to cocaine, morphine, or similar drugs.
Alaska	3 years	Felony, physical incapacity, desertion 2 years, cruelty, habitual drunkenness.
Arizona	1 year	Felony, physical incapacity, desertion 1 year, excesses, cruelty, neglect to provide 1 year, pregnancy of wife by other than husband at marriage, conviction of felony prior to marriage unknown to other party, habitual drunkenness.
Arkansas	do	Desertion 1 year, felony, habitual drunkenness 1 year, cruelty, former marriage existing, physical incapacity.
California	do	Cruelty, desertion 1 year, neglect 1 year, habitual drunkenness 1 year, felony.
Colorado	do	Desertion 1 year, physical incapacity, cruelty, failure to provide 1 year, habitual drunkenness or drug fiend 1 year, felony, former marriage existing.
Connecticut	3 years	Fraudulent contract, willful desertion 3 years, with total neglect of duty, habitual drunkenness, cruelty, imprisonment for life, infamous crime involving violation of conjugal duty and punishable imprisonment in State prison 7 years' absence with being heard from.
Delaware	1 year	Desertion 2 years, habitual drunkenness for 2 years, cruelty, bigamy, felony followed by a continuous imprisonemnt for at least 2 years—and at the discretion of the court, fraud, want of age, neglect to provide 3 years.
District of Columbia	3 years	Marriages may be annulled for former existing marriage, lunacy, fraud coercion, physical incapacity, and want of age at time of marriage.
Florida	2 years	Cruelty, violent temper, habitual drunkenness, physical incapacity, desertion 1 year, former marriage existing, relationship within prohibited degree.
Georgia	1 year	Mental and physical incapacity, desertion 3 years, felony, cruelty, force, duress, or fraud in obtaining marriage, pregnancy of wife by other than husband at marriage, relationship within prohibited degrees.
Hawaii	2 years	Desertion 1 year, felony, leper, cruelty, habitual drunkenness.
Idaho	6 months	Cruelty, desertion 1 year, neglect 1 year, habitual drunkenness 1 year, felony, insanity.
Illinois	1 year[2]	Desertion 2 years, habitual drunkenness 2 years, former existing marriage, cruelty, felony, physical incapacity, attempt on life of other party, divorced party can not marry for 1 year.
Indiana	2 years	Abandonment 2 years, cruelty, habitual drunkenness, failure to provide 2 years, felony, physical incapacity.
Iowa	1 year	Desertion 2 years, felony, habitual drunkenness, cruelty, pregnancy of wife by other than husband at marriage, unless husband has illegitimate child or children living of which wife did not know at time of marriage. The marriage may be annulled for the following causes existing at the time of the marriage: Insanity, physical incapacity former existing marriage, consanguinity.
Kansas	do	Abandonment 1 year; cruelty, fraud, habitual drunkenness, gross neglect of duty, felony, physical incapacity, pregnancy of wife by other than husband at marriage, former existing marriage.
Kentucky	do	Separation 5 years, desertion 1 year, felony, physical incapacity, loathsome disease, habitual drunkenness 1 year, cruelty, force, fraud or duress in obtaining marriage, joining religious sect believing marriage unlawful, pregnancy of wife by other than husband at marriage or subsequent unchaste behavior, ungovernable temper.
Louisiana		Felony, habitual drunkenness, excesses, cruelty, public defamation of other party, abandonment, attempt on life of other party, fugitive from justice.
Maine	1 year	Cruelty, desertion 3 years, physical incapacity, habits of intoxication by liquors, opium, or other drugs; neglect to provide, insanity under certain limitations.
Maryland	2 years	Abandonment 3 years, unchastity of wife before marriage, physical incapacity, any cause which renders the marriage null and void *ab initio*.

[1] Exclusive of South Carolina, which has no divorce law.
[2] Not required for offense within State.

States.	Residence required.	Causes for absolute divorce in addition to adultery, which is cause for divorce in all the States.[1]
Massachusetts	3-5 years	Cruelty, desertion 3 years, habits of intoxication by liquors, opium, or other drugs, neglect to provide, physical incapacity, imprisonment for felony, uniting for 3 years with religious sect believing marriage unlawful.
Michigan	1 year	Felony, desertion 2 years, habitual drunkenness, physical incapacity, and in the discretion of the court for cruelty or neglect to provide.
Minnesota	...do	Desertion 1 year, habitual drunkenness 1 year, cruelty, physical incapacity, imprisonment for felony.
Mississippi	...do	Felony, desertion 2 years, consanguinity, physical incapacity, habitual drunkenness by liquor, opium, or other drugs, cruelty, insanity at time of marriage, former existing marriage, pregnancy of wife by other than husband at marriage.
Missouri	...do	Felony, absence 1 year, habitual drunkenness 1 year, cruelty, indignities, vagrancy, former existing marriage, physical incapacity, conviction of felony prior to marriage unknown to other party, wife pregnant by other than husband at marriage.
Montana	...do	Cruelty, desertion, neglect 1 year, habitual drunkenness 1 year, felony, innocent party may not remarry within 2 years and guilty party within 3 years of the divorce.
Nebraska	1 year [2]	Abandonment 2 years, habitual drunkenness, physical incapacity, felony, failure to support 2 years, cruelty, imprisonment for more than 3 years.
Nevada	6 months	Desertion 1 year, felony, habitual drunkenness, physical incapacity, cruelty, neglect to provide 1 year.
New Hampshire	1 year	Cruelty, felony, physical incapacity, absence 3 years, habitual drunkenness 3 years, failure to provide 3 years, treatment endangering health or reason, union with sect regarding marriage unlawful, wife separate without the State 10 years, not claiming marital rights, husband absent from United States 3 years intending to become citizen of another country without making any provision for wife's support.
New Jersey	2 years	Desertion 2 years, cruelty. No divorce may be obtained on grounds arising in another State unless they constituted ground for divorce in the State where they arose. The marriage may be annulled for the following causes existing at the time of the marriage: Want of legal age, former existing marriage, consanguinity, physical incapacity, idiocy.
New Mexico	1 year	Abandonment, cruelty, neglect to provide, habitual drunkenness, felony, physical incapacity, pregnancy of wife by other than husband at marriage.
New York	([3])	Adultery only. The marriage may be annulled for such causes as rendered the relationship void at its inception.
North Carolina	2 years	Pregnancy of wife by other than husband at marriage, physical incapacity, husband and wife living apart for 10 years and having no issue.
North Dakota	1 year	Cruelty, desertion 1 year, neglect 1 year, habitual drunkenness 1 year, felony. The marriage may be annulled for the following causes existing at the time of the marriage: Former existing marriage, insanity, physical incapacity, force or fraud inducing the marriage, or want of age.
Ohio	...do	Absence 3 years, cruelty, fraud, gross neglect of duty, habitual drunkenness 3 years, felony, former existing marriage, procurement of divorce without the State by one party, which continues marriage binding upon other party, physical incapacity.
Oklahoma	...do	Abandonment 1 year, cruelty, fraud, habitual drunkenness, felony, gross neglect of duty, physical incapacity, former existing marriage, pregnancy of wife by other than husband at marriage.
Oregon	...do	Felony, habitual drunkenness 1 year, physical incapacity, desertion 1 year, cruelty, or personal indignities rendering life burdensome.
Pennsylvania	...do	Former existing marriage, desertion 2 years, personal abuse or conduct rendering life burdensome, felony, fraud, relationship within prohibited degrees, physical incapacity, and lunacy.
Rhode Island	2 years	Cruelty, desertion, 5 years, habitual drunkenness, excessive use of morphine, opium, or chloral, neglect to provide 1 year, gross misbehavior, living separate 10 years, physical incapacity. Either party civilly dead for crime or prolonged absence. The marriage may be annulled for causes rendering the relationship originally void or voidable.
South Carolina	.....	No divorces granted.
South Dakota	1 year	Cruelty, desertion 1 year, neglect 1 year, habitual drunkenness 1 year, felony. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age, former existing marriage, insanity, physical incapacity, force or fraud in inducing marriage.
Tennessee	2 years	Former existing marriage, desertion 2 years, felony, physical incapacity, attempt on life of other party, refusal of wife to live with husband in the State and absenting herself 2 years, pregnancy of wife by other than husband at marriage; at the discretion of the court for cruelty, indignities, abandonment, or neglect to provide, habitual drunkenness.
Texas	6 months	Abandonment 3 years, physical incapacity, cruelty, excess, or outrages rendering life together insupportable, felony.

[1] Exclusive of South Carolina, which has no divorce law.
[2] Two years for causes arising out of State.
[3] Actual residence.

States.	Residence required.	Causes for absolute divorce in addition to adultery, which is cause for divorce in all the States.[1]
Utah	1 year	Desertion 1 year, physical incapacity, habitual drunkenness, felony, cruelty, permanent insanity.
Vermont	do	Imprisonment 3 years, intolerable severity, desertion 3 years, neglect to provide, absence 7 years without being heard from.
Virginia	do	Insanity at marriage, felony, desertion 3 years, fugitive from justice 2 years, pregnancy of wife by other than husband at marriage, wife a prostitute, or either party convicted of felony before marriage unknown to other, physical incapacity.
Washington	do	Abandonment 1 year, fraud, habitual drunkenness, refusal to provide, felony, physical incapacity, incurable insanity, cruelty or indignities rendering life burdensome, other cause deemed sufficient by the court.
West Virginia	do	Desertion 3 years, felony, physical incapacity, pregnancy of wife by other than husband at marriage, husband a licentious character or wife a prositute unknown to other party, either party convicted of felony before marriage unknown to other. The marriage may be annulled for the following causes existing at the time of the marriage. Former existing marriage, consanguinity, insanity, physical incapacity, miscegenation, want of age.
Wisconsin	do	Felony (imprisonment 3 years), desertion 1 year, cruelty, physical incapacity, habitual drunkenness 1 year, separation 5 years, in the discretion of the court for cruelty or neglect to provide. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age, or understanding, consanguinity, force or fraud inducing marriage; where marriage was contracted with former marriage existing the second marriage is void without any divorce proceedings.
Wyoming	do	Felony, desertion 1 year, habitual drunkenness, cruelty, neglect to provide 1 year, husband a vagrant, physical incapacity, indignities rendering condition intolerable, pregnancy of wife by other than husband at marriage, either party convicted of felony before marriage unknown to other. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age, force or fraud. The marriage is void without divorce proceedings, consanguinity, insanity, former existing marriage.

[1] Exclusive of South Carolina, which has no divorce law.

Age at which a valid marriage may be contracted.—The age at which a valid marriage can be contracted varies in different States. The lowest statutory age for a male is 14. The States in which a marriage can be contracted by a male at 14 years are Kentucky, Louisiana, New Hampshire, and Virginia. The States in which the statutory limit is 15 years are Kansas and Missouri. Those in which it is 16 years are the District of Columbia, Iowa, North Carolina, Texas, and Utah. Those in which it is 17 years are Alabama, Arkansas, and Georgia, and those in which it is 18 years are Arizona, California, Delaware, Idaho, Illinois, Indiana, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, West Virginia, Wisconsin, and Wyoming.

Age limit for females.—The lowest age at which a valid contract can be made by a female is 12 years. The States in which the statutory limit of 12 obtains are Kansas, Kentucky, Louisiana, Missouri, and Virginia. In New Hampshire the statutory limit is 13 years. In the following States it is 14 years: Alabama, Arkansas, District of Columbia, Georgia, Iowa, North Carolina, Texas, and Utah. The States in which the statutory limit is 15 are California, Minnesota, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, and Wisconsin. The States in which the statutory limit is 16 years are Arizona, Delaware, Illinois, Indiana, Michigan, Montana, Nebraska, Nevada, Ohio, West Virginia, and Wyoming. The statory limit is 18 years in Idaho and New York. In other States, for which no minimum marriageable age is given, the provisions of the common law apply.

Parental consent.—The age below which parental consent is required for the marriage of a male is 21 years in nearly all the States and Territories. In Tennessee it is 16 years and in Idaho and North Carolina 18 years. In Georgia, Michigan, New Hampshire, New York, and South Carolina no limit is established. It is 21 years in all the other States and Territories.

The age below which parental consent is required for the female is 16 years in Maryland and Tennessee. It is 21 years in Connecticut, Florida, Kentucky, Louisiana, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wyoming. No statutory limit is established in New Hampshire, New York, and South Carolina. In all the other States and Territories it is 18 years.

SPRINGFIELD, ILL., *March 24, 1916.*

Hon. FRED A. BRITTEN, M. C.,
Washington, D. C.

DEAR SIR: In reply to your request of March 21 I am inclosing you copy of senate resolution No. 7, passed by the Illionis Legislature in June, 1913, with reference to a national uniform marriage and divorce law. I aslo inclose copy of uniform marriage evasion act.

Yours, very truly,

LEWIS G. STEVENSON, *Secretary of State.*

Mr. Karch, from the committee on judiciary, to which was referred the following resolution, to wit:

[Senate joint resolution No. 7.]

Whereas, the number of divorces throughout the United States has been increasing during the past 50 years at an alarming rate, and under the present system there is no uniform law covering this subject in the several States, and

Whereas, at the present time the several States are operating under laws so entirely divergent that the legitimacy of children is often made a serious question, and property rights are frequently uncertain, and

Whereas, the question is one that strikes at the very foundation of our social organization, and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States, and that such law should be so safeguarded that fraudulent divorces can not be secured; Now, therefore, be it

Resolved by the senate(the house of representatives concurring herein), That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Reported the same back with the recommendation that it be adopted.
The report of the committee was concurred in and the resolution was adopted.
Ordered, That the clerk inform the senate thereof.

MARRIAGE—UNIFORM MARRIAGE EVASION ACT.

AN ACT To prevent the evasion of laws prohibiting marriage.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the general assembly:* That if any person residing and intending to continue to reside in this State and who is disabled or prohibited from contracting marriage under the laws of this State shall go into another State or country and there contract a marriage prohibited and declared void by the laws of this State, such marriage shall be null and void for all purposes in this State with the same effect as though such prohibited marriage had been entered into in this State.

SEC. 2. No marriage shall be contracted in this State by a party residing and intending to continue to reside in another State or jurisdiction if such marriage would be void if contracted in such other State or jurisdiction, and every marriage celebrated in this State in violation of this provision shall be null and void.

SEC. 3. Before issuing a license to marry a person who resides and intends to continue to reside in another State the officer having authority to issue the license shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited from intermarrying by the laws of the jurisdiction where he or she resides.

SEC. 4. Any official issuing a license with knowledge that the parties are thus prohibited from intermarrying and any person authorized to celebrate marriage who shall knowingly celebrate such a marriage shall be guilty of misdemeanor.

SEC. 5. This act may be cited as the uniform marriage evasion act.

SEC. 6. This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those States which enact it.

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved, June 25, 1915.

Mr. EDMONDS. I also would like to present to the committee a suggestion from the social service committee of the diocese of Long Island. The letter is signed by Rev. William Sheafe Chase, of Brooklyn.

(The matter referred to is as follows:)

SOCIAL SERVICE COMMITTEE, DIOCESE OF LONG ISLAND,
September 19, 1913.

Hon. GEORGE W. EDMONDS,
Washington, D. C.

HONORABLE AND DEAR SIR: In reply to your favor of September 18 I would like to call your attention to the fact that in the amendment suggested by the diocese of Long Island the legislature of each State would not have power to "name the causes for which divorces could be granted in that State," but would have power to exclude one or all causes for divorce in the Federal law which would be enacted by Congress for the whole country.

The amendment which we propose would do much more than I think you realize. It would transfer from State courts and State officers the control of all marriage and divorce precedure to the courts and officers of the United States. The enforcement of the law would be uniform.

It is possible that no State would exercise the liberty which our proposed amendment allows, of refusing to have divorces granted to any of her citizens or for only the cause of adultery, as is the case in New York State. But the amendment would, we are convinced, remove much fear that will be in the minds of many persons concerning your bill, that Congress would enact a law which would permit divorces for too many causes or pretexts.

Hon. Bourke Cockran, a Roman Catholic of national fame, has accepted the vice presidency of our international committee, and given his approval of the form of amendment which we suggest.

We have been considering this matter for years, and have decided upon this form only after the fullest discussion and deliberation.

If you could arrange for a hearing before the Judiciary Committee of the House possibly some representative of our committee could appear in its behalf.

Yours, faithfully,

WM. SHEAFE CHASE.

TO ENABLE CONGRESS TO ENACT UNIFORM MARRIAGE AND DIVORCE LAWS FOR ALL THE STATES, AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES IS NEEDED.

THE AMENDMENT SUGGESTED WOULD PREVENT LOWERING THE STANDARD IN ANY STATE.

Whereas the lack of uniformity in the marriage and divorce laws of the various States of the Union and the fact that what is legal in one State must be recognized as legal by every other State, provided that the court granting the divorce has served the defendant with a personal service of the suit within that State, or provided he has voluntarily submitted to the jurisdiction of that court by appearing in the action by attorney, bring it to pass that the most lax law of the most careless State with respect to divorce practically becomes the law of every State;

Whereas this condition of the laws of our country is detrimental to all family life and morals; has encouraged frauds upon our courts, sham proceedings and various evasions of the law which would otherwise be impossible, so that unscrupulous lawyers organize systematic and persistent attacks for financial gain upon the domestic life of the whole people, whereby adultery is legalized, innocent children are made orphans, and defenseless, innocent spouses are irreparably injured;

Whereas the uniform code which was formulated by the National Congress on Uniform Divorce Laws, with delegates from 40 States, in November, 1906, has been adopted by only New Jersey, Delaware, and Wisconsin, and would be ineffective if only one State shall refuse to adopt the proposed act regulating annulment of marriage and divorce;

Whereas a two-thirds vote of both Houses of Congress could present to the legislatures of the various States an amendment to the Constitution of the United States which would be ratified if the legislatures of three-fourths of the States should approve of it: Therefore the Joint Commission on Social Service hereby

Resolves, To recommend to the next general convention that it shall petition the Congress of the United States to draw up and submit to the States for their approval an amendment to the Constitution of the United States permitting Congress to enact uniform law on marriage and divorce for all the States: *Provided, however*, That the

divorces shall be granted by justices of the United States courts: *And provided also*, That each State shall have power to refuse to have divorces granted to any of her citizens or may forbid the granting of divorces to any of her citizens for any one or more of the causes for divorce described in the uniform divorce law enacted by Congress for the Nation.

Resolved, also, That this action be communicated to the social service committees of all the dioceses and to all the bishops and the clerical and lay delegates of the last convention and to the officers of the national organizations of the various Christian denominations with the request for their favorable consideration and active support.

If a man who committed a murder in New York State could select any State which he preferred in which to be tried and there were a State in which the punishment was imprisonment for only a month, there is no doubt that the murderer would choose that State for his trial, and then, after receiving his punishment, would return to New York. Our citizens would not long endure the uncertainty of life which such a condition of affairs would soon produce.

Yet this is the state of affairs which is undermining the home life of America. There seems to be no effective remedy except through an amendment to the Constitution. The successful progress of the amendments concerning the income tax and the direct election of Senators assures one of the success of an amendment to protect the family life of our country if it were advocated by the great body of Christian churches.

The form of amendment which we advocate would not compel any State like South Carolina, which does not grant divorce, to grant divorces, nor would it compel New York State, which grants divorces only for the cause of adultery, to grant them for other causes, but it would effectively prevent any State like Nevada granting divorces contrary to the uniform rule enacted by the Congress of the United States.

We submit herewith a suggested form which this amendment might take when drawn up by Congress:

"Congress shall have the power to establish and enforce by appropriate legislation uniform laws as to marriage and divorce: *Provided*, That every State may, by law, exclude, as to its citizens duly domiciled therein, any or all causes for divorce in such laws mentioned."

The above resolution is presented by the social service committee of the Long Island Diocese of the Protestant Epicopal Church to the Joint Commission on Social Service of the Protestant Episcopal Church for adoption by them as the best method to bring this important matter to the attention of the general convention which will meet in New York City in October, 1913.

The chairman of the joint commission is the Rt. Rev. William Lawrence, 122 Commonwealth Avenue, Boston, and the secretary is Rev. J. Howard Melish, 157 Montague Street, Brooklyn, N. Y.

You are requested to indicate to the joint commission whether you favor or oppose the suggested petition for an amendment to the Constitution of the United States concerning marriage and divorce.

FREDERICK BURGESS,
Bishop of Long Island, President of the Social Service Committee of the Diocese of Long Island.

C. F. J. WRIGLEY,
Chairman of the Section on Family of the Social Service Committee of the Diocese of Long Island.

LAWRENCE A. HARKNESS,
Secretary of the Social Service Committee of the Diocese of Long Island, 830 Greene Avenue, Brooklyn, N. Y.

APRIL 23, 1913.

Mr. EDMONDS. I would also like to present for insertion in the record a resolution passed by the International Committee on Marriage and Divorce.

(The matter referred to is as follows:)

[International Committee on Marriage and Divorce, incorporated 1914. Francis Miner Moody, executive secretary, room 1231, 19 South La Salle Street, Chicago, Ill.; New York City address, Madison Arms, 144 Madison Avenue; telephone, Madison Square 4610.]

RESOLUTION ON MARRIAGE AND DIVORCE.

APRIL 28, 1914.

Whereas our Nation has come upon bitter days through the destruction of more than 1,250,000 American homes by divorce in the first 15 years of the twentieth century, and

Whereas these divorces have deprived more than 850,000 children of one or both of their parents, by proceedings that were fraudulent in most cases because based on perjured evidence, when no real cause for divorce exists, and

Whereas many thousand of innocent women and defenseless children, thus unjustly deprived of their natural and lawful support, have become delinquents, dependents, and even chief criminals, reckless of all home ties and marital rights: Therefore be it

Resolved, That we, the National Congress of Mothers, heartily indorse the efforts to secure an amendment to the Federal Constitution that will give Congress the power to legislate on all questions of marriage and divorce, to the end that migratory marriages and fraudulent divorces may be stopped, that all marriages shall have universal validity and the honor of children be everywhere protected, and

Resolved, That we instruct our secretary to transmit a copy of these resolutions to President Wilson and to Mr. Clayton, chairman of the House Judiciary Committee, with the request that House joint resolution No. 110 be submitted at once to Congress.

MRS. FREDERIC SCHOFF, *President.*
MRS. ARTHUR A. BIRNEY, *Secretary.*

WASHINGTON, D. C.

Mr. EDMONDS. I would also like to present for insertion in the record the resolution passed by the International Sunday School Association, a resolution passed by the Publication and Sunday School Board of the Reformed Church in the United States, and a resolution passed by the General Assembly of the Presbyterian Church in the United States of America.

(The matter referred to is as follows:)

JULY 9, 1914.

Hon. EDWIN Y. WEBB:
Chairman Judiciary Committee, House of Representatives.

MY DEAR MR. WEBB: I am inclosing you herewith copy of petition, the original of which has been forwarded to the President, which was adopted by the International Sunday School Association held June 29, at Convention Hall, Chicago, Ill.

As I have introduced House joint resolution 110 which provides for an amendment to the Constitution for a uniform marriage and divorce law, I trust that this petition will receive careful consideration together with my resolution and that some action may be taken on the same during the present session.

With regards, believe me, sincerely yours,

CHICAGO, *June 30, 1914.*

To President Woodrow Wilson and to the Chairman of the House Judiciary Committee at Washington, D. C.:

This is to certify that "In this the Fourteenth Convention of the International Sunday School Association, assembled in Chicago, we, the officers and delegates declare in favor of the submission of an amendment to the Federal Constitution delegating the control of all questions of marriage and divorce to the Federal Congress, and we exhort all American States and Provinces to take action to secure a uniform marriage law conforming to the highest standard."

We hereby certify to you that this is a true and correct abstract from the minutes of the meeting held June 29, 1914, in the Convention Hall at Chicago.

H. M. HAMILL, *President,*
MARION LAURANCE, *General Secretary.*

PUBLICATION AND SUNDAY SCHOOL BOARD,
REFORMED CHURCH IN THE UNITED STATES,
Philadelphia, Pa., July 21, 1914.

Hon. GEO. W. EDMONDS,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to state that at a regularly called meeting of the Publication and Sunday School Board of the Reformed Church, held July 4, 1914, the following action was taken and I was duly authorized to send you a copy of the action:

"*Resolved*, That the Publication and Sunday School Board of the Reformed Church, respectively, petition the Committee on the Judiciary of the House of Representatives of the Congress of the United States, to favorably report House joint resolution No. 110, proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce and to provide penalties for enforcement. The publication board, as the official representative of 1,800 Sunday schools connected with the Reformed Church in the United States, having a membership in excess of 300,000, are profoundly convinced that in order to safeguard the family, the unit of State and church, and to protect the rights of the child, it is necessary to have uniform laws on the subject of marriage and divorce throughout the States of the Union. Nothing is more vital to the hapiness and moral welfare of the people and the perpetuity of Government than the marriage relation and the protection of the home."

May I express the earnest hope that not only the Judiciary Committee of the House, but also the appropriate committee of the Senate of the United States, will favorably consider the joint resolution and that at an early date the Congress of the United States will pass the amendment to the Constitution and submit it to the several States for their ratification.

With assurances of high regards to you, personally, I remain,

Respectfully, yours,

RUFUS W. MILLER, *Secretary.*

GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH,
Philadelphia, Pa., March 10, 1916.

To whom it may concern:

This certifies that the General Assembly of the Presbyterian Church in the United States of America, meeting at the Fourth Presbyterian Church, Chicago, Ill., May 28, 1914, adopted the following resolution:

Resolved, That the assembly places itself on record as in favor of a Federal divorce law. (Minutes, 1914, p. 187.)

Attest:

WM. H. ROBERTS, *Stated Clerk.*

Mr. EDMONDS. Mr. Chairman, I am going to take up just a few minutes more, and I will not go into any detailed discussion, but call your attention to the fact that there have been several attempts made by the different States to get together and to pass in each of those States a uniform law, so that there would be no conflict. Gov. Pennypacker of Pennsylvania called a meeting of a number of representatives of different States asking them to take up this question. Gov. Pennypacker wrote me a letter telling me of the success they had. They agreed on a uniform divorce bill, and in a letter to me in reference to the subject he says:

PHILADELPHIA, *July 14, 1913.*

DEAR MR. EDMONDS: When I was governor of the Commonwealth, the State called a divorce congress, which met in Washington. Representatives were sent from all over the United States, many of them men of the highest learning. The object was to bring about uniformity upon the question of divorce, if possible. The bill was after much discussion agreed upon, and sent to the different States. In several States it became a law. Unfortunately, however, before it reached the Pennsylvania Legislature, I had ceased to be governor, and thereafter it never received much attention, and failing in Pennsylvania the movement lost strength.

It may be that an act of Congress could accomplish the result by means of an amendment to the Constitution. Surely it is a great misfortune the laws effecting the marriage relation should be so discordant.

Sincerely, yours,

SAMUEL W. PENNYPACKER.

Hon. G. W. EDMONDS,
Washington, D. C.

That shows that you can not expect to have an uniform action by the representatives of the different States, because the States will not take it up that way.

Mr. WHALEY. Did not the States take up a uniform negotiable instruments law and most of them passed it.

Mr. EDMONDS. They did, Mr. Whaley, but I learn that owing to the various interpretations given by the different States on the law it is not working uniformly at all. I am told by attorneys in Philadelphia that they regretted that very much, because they hoped they could get a satisfactory law of that kind that would be acceptable to all States.

In 1913, the New York Times printed an article written by Mr. Charles T. Terry, a practicing lawyer in New York City, and a professor in the Columbia University Law School. He was chairman of the Conference on Uniform State Laws, and one of the commissioners making an investigation, and was elected president of the conference.

In this article he says:

There can hardly be said to be any sound reason why the laws affecting the marriage ties should differ on geographical or territorial lines. It would seem that a law which is sound and proper to govern the people of one section of our country would be equally sound and proper to govern the people of every other section of the country.

And yet, the fact is that there is the widest divergence in the laws relating to marriage and divorce, and the legitimacy or illegitimacy of children throughout the various States of the Union. They are so divergent that it may and frequently has happened that a man who has had some matrimonial complications may be a married man under the laws of one of our States, unmarried under the laws of another, a bigamist under the laws of a third, and so on, with all sorts of variations of laws affecting domestic situations.

His children under the laws of one State may be legitimate with all the incidents of property rights flowing from that condition, whereas under the laws of another state they are illegitimate and deprived of such property rights. This difference in the laws governing marriage and divorce in the various States has, as is well known, been a prolific source of trouble, injustice, and indeed of disgusting scandal.

It has led to the practice of deception upon the courts of various States in the matter of migratory divorces. It has led, if not to the actual purposeful enactment of laws, at least to the retention on the statute books of some of our States of divorce and marriage laws, for venal ends, and without justification save "for revenue only."

I would like to put all of that article in the record, because Mr. Terry is a man of high standing in the legal profession, and he has endeavored for a number of years, through the efforts of this association, composed of commissioners from every State in the Union, to secure uniform marriage and divorce laws.

(Said article follows:)

[New York Times, Sunday, Aug. 3, 1913.]

MAKING UNIFORM LAWS FOR DIFFERENT STATES OF THE UNION.

Within the coming month Montreal will be the scene of two of the most important legal conferences that have ever been held in America. One will be the twenty-third annual conference of the Commissioners on Uniform State Laws and the other will be the annual meeting of the American Bar Association.

It may at first strike one as somewhat unusual that both of these organizations whose activities are mainly bound up in questions affecting the United States should

go to the Dominion of Canada for this year's meetings. But these conferences in their expression of international good-will will form a part of the series of celebrations which are being arranged by the two great English-speaking nations to commemorate the centenary of peace which has existed between Great Britain and the United States since the signing of the treaty of Ghent early in 1814, which closed the war of 1812.

Lord Haldane, Lord High Chancellor of England, is coming over to address the members of the American Bar Association in the first week of September, while from this country ex-President Taft and Chief Justice White will deliver addresses. The Commissioners on Uniform State Laws will meet a few days earlier, their conference opening on Tuesday, August 26, and continuing through the week.

In respect to the importance of its deliberations and their effect upon the harmonious working relations of the various States, this year's conference on uniform laws is attracting more attention than has ever been the case since it was created in 1890.

The necessity of greater harmony in the laws of our various States is one which has been deeply studied for years by many of the most eminent jurists of the country. Charles Thaddeus Terry, a practicing lawyer in New York City and a professor in the Columbia University Law School, in discussing the benefits of uniform laws and the excellent progress which has been made since the States began to recognize the value of such an organization by appointing commissioners, said:

"If we are to be and remain a nation, the rights of citizens must be clear and uniform throughout the various sections of this country, so far as those rights are of an interstate nature. Either this, or our system of government is a failure.

"Either the States must bring about such harmony, or the Federal Government must do it. For the Federal Government to do it means centralization, and it means at the same time an extension of the powers of the central Government far beyond anything contemplated at the organization of the Government or established by the Constitution."

STATES' WRONGS.

"It is clear that there is only one answer to the question and only one antidote to the centralization of government, and that is uniformity of State laws. And harmony will not be secured so long as any State, or set of States, maintains a false notion of 'States' rights' and persists in riding it as a hobby and in disregard of the rights of citizens of other States.

"That is not 'States' rights,' that is 'States' wrongs.' The States must all pull together, or they will all pull apart. States' comity contemplates this, and States' harmony requires it. There could be no more essential element in the cement which binds the States together than is uniformity of the States' laws."

Mr. Terry was appointed as one of the three commissioners from New York State in 1905, and last year he was elected president of the conference. Legal harmony is one of his hobbies. He has taken an active part in drafting many of the uniform acts adopted by the commissioners and which have been introduced into the legislatures of many States.

Every one of the 48 States in the Union has now recognized the desirability of uniformity in many of the more important legal matters. The commissioners, usually three from each State, are appointed by the governors. Last year, when the conference was held in Milwaukee, 32 States sent representatives, in addition to the Territory of Alaska and the Federal possession of Porto Rico. Commissioners have also been appointed from the Territory of Hawaii, the Philippine Island possessions, and from the District of Columbia.

New York State was the first to recognize the benefits of uniform laws, and in 1889 the legislature created a board of commissioners on uniform State laws and invited the other States of the Union to do the same and to meet in annual conference to consider the subjects upon which uniformity was desirable and promote such legislation as might be possible to attain those ends. Little by little the States responded, and last year when Nevada named her commissioners every State had put itself on record as favoring the principle, at least, of uniformity in interstate acts.

"Every lawyer and very many laymen, to their embarrassment, and in many cases to their considerable loss," said Mr. Terry in explaining the reason for greater uniformity, "have been impressed with the disparity of laws throughout the various States on subjects of interstate interest. The various and ever-varying laws enacted by the 48 States and the Territories and by the Federal Legislature tend to create a complexity and confusion which have irritated and injured laymen and lawyers alike, and have constituted one of the most serious problems arising from the American dual system of government. This problem concerns not only commercial interests and business transactions, but domestic and other sociological relations as well. Long since it was perceived that a continuance of such a condition would be intolerable and movements have been set on foot to remedy the evil.

"In not a few instances the divergence of the laws and policies of different States have brought our people to the verge of civil strife, and in one instance drove them into a lamentable conflict. This is the more regrettable because, however natural under our governmental system—in which sovereignty is divided between the separate States on the one hand and the National Government on the other—the diversity of laws might be, the continuance of such a condition of affairs is utterly unnecessary and illogical.

"There is no such difference of requirement in respect of law arising from difference in geographical position as would justify such a situation. While, of course, there is in some instances the necessity for peculiar laws having a strictly local application, and for the duplication of which in other States there would be no reason, nevertheless it is true that in a great many instances—I was about to say in most instances—not only would there be no reason why the laws of the States on given subjects should not be uniform, but, on the contrary, every reason why they should be.

"At least, upon every subject of interstate interest and concern the laws should be standardized or made uniform throughout the whole country. Otherwise inconvenience, annoyance, embarrassment, complication, and loss must inevitably ensue.

"The movement for uniform State laws rests upon the proposition that if we are really a nation there is no reason why imaginary lines called the boundaries of States should cut off in matters of law one section of the country from another. The theory is that if any citizen of this Nation is affected in his life, liberty, property, or pursuit of happiness by the laws of the various States, those laws should be uniform, so that he may know just where he stands, and not be obliged to learn a new code of laws with reference to his property, his life, his liberty, or his happiness every time he passes over an imaginary geographical line.

THE DIVORCE LAW.

"Let us take one or two illustrations. There can hardly be said to be any sound reason why the laws affecting the marriage tie should differ on geographical or territorial lines. It would seem that a law which is sound and proper to govern the people of one section of our country, would be equally sound and proper to govern the people of every other section of the country.

"And yet, the fact is that there is the widest divergence in the laws relating to marriage and divorce, and the legitimacy or illegitimacy of children throughout the various States of the Union. They are so divergent that it may and frequently has happened that a man who has had some matrimonial complications may be a married man under the laws of one of our States, unmarried under the laws of another, a bigamist under the laws of a third, and so on with all sorts of variations of laws affecting domestic situations.

"His children under the laws of one State may be legitimate with all the incidents of property rights flowing from that condition, whereas under the laws of another State they are illegitimate and deprived of such property rights. This difference in the laws governing marriage and divorce in the various States has, as is well known, been a a prolific source of trouble, injustice, and indeed of disgusting scandal.

"It has led to the practice of deception upon the courts of various States in the matter of migratory divorces. It has led, if not to the actual purposeful enactment of laws, at least to the retention on the statute books of some of our States of divorce and marriage laws, for venal ends, and without justification save 'for revenue only.'

"Taking another illustration—it may well be asked what would be the use of having a fair and humane child-labor law in force in any given State if the laws on the same subject of the adjoining State are so loose as to permit the barbarity of stunting the growth and arresting the development of infants by suffering their employment without proper statutory regulations.

"The manufacturer or other employer has but to move his factory or works across the border and thus relieve himself of the restrictions imposed by such child-labor law.

"The same remarks may be made, with equal appropriateness, with reference to the highly desirable and unquestionably just workmen's compensation act.

"To take one further illustration from a field which is not perhaps so interesting from the standpoint of the humanities, but which nevertheless is of vital importance from the standpoint of business and industrial dealings, I would refer to the difficulties and complications which, before the conference of commissioners on uniform State laws drafted, approved, and had passed by substantially all the States, Territories, and Federal possessions of the country, the uniform negotiable instruments act, arose from transactions with promissory notes, bills of exchange, and checks."

COMMERCIAL HARMONY.

"It will be readily appreciated that these negotiable instruments which form so large a part of the circulating medium of commerce and constitute so important a factor in the credit system of the country would be stripped of most of their valuable uses if the laws of the various States with regard to the obligations and the rights of the various parties to them were not uniform.

"A merchant in Nebraska would hesitate about taking a promissory note of the merchant in Rhode Island if he did not understand, or could not readily ascertain the precise obligation assumed by such maker and assumed by indorsers on the note; and he could not readily understand, nor could he easily ascertain the precise nature of such obligations and their precise limitations unless the laws of the two jurisdictions were substantially the same. Otherwise he would, before taking such an instrument, be obliged to investigate the law of Rhode Island, or, if he wished to avoid all hazard, consult a Rhode Island lawyer with reference to the matter.

"The clogging of business which would result is obvious; and reference has been made only to the general features and the general incidents of such paper.

"What are the requirements of notice of dishonor to parties secondarily liable?

"What are the requisites of demand in connection with such paper?

"What is the form of acceptance by the drawee of a bill?

"These and other questions, if answered differently by the laws of different States, would and did lead to confusion worse confounded until the conference of commissioners procured the enactment of the uniform negotiable instruments law throughout the country.

"What should be said of a nation in which one might take a promissory note for $5,000 in New York for cash loaned by him, only to find that if he tried to use the note in Ohio or Illinois or Iowa or California or some other State, the instrument would prove to be not at all what he thought it was, but subject to defenses which would not be available in the State of New York, where he took the note, or with fewer days of grace or more days of grace, or no days of grace at all, and which in some other State than the State of New York might be entirely invalid and worthless?

"That surely would be an anomalous situation to arise in a country which we are in the habit of considering a unit. And yet, up to the time when the conference of commissioners began its work, such injustices might occur and such ridiculous circumstances might arise. In this day, by virtue of the effort for the uniformity of State laws, the law of promissory notes and of all negotiable paper has been standardized throughout 46 jurisdictions in the United States.

"And again, although it is but a comparatively short time since the conference of commissioners drafted and submitted to the various legislatures a uniform law governing warehouse receipts (those documents which form one of the foundation stones of the system of bank credits and of general credits everywhere), already 29 different jurisdictions of this country have put that uniform act upon their statute books. The conference has similarly proposed to the legislatures uniform acts governing bills of lading, sales of goods, transfers of stock, child labor, workmen's compensation, marriage, divorce, family desertion and nonsupport, among others.

"Such is the progress which has been made. The conference looks forward with confidence to a still further advance—slowly, conservatively, deliberately, but persistently and continuously."

REMEDY NOT BY FEDERAL LEGISLATION.

"To those who have given thought to the question it is clear that the difficulties, hazards, annoyances, and losses which arise from the diversity of State laws are not to be obviated by Federal legislation. In the first place, it would require amendments to the United States Constitution before Congress should have the power to enact laws in the premises.

"This would present difficulties enough, irrespective of the incontrovertible arguments and reasons against the interference of the Federal Government in these State matters and quite apart from the proposition that the logical manner of dealing with this question and the manner indicated by our system of government from its inception is the method followed by the conference of commissioners on State laws.

"The opposition to the assumption by the National Government of further authority in governmental affairs is so strong that any movement in that direction would doubtless be bitterly opposed, and in any case such movement would be a disavowal, to that extent, of the soundness of the division between government by the sovereign States of the matters intrusted to them, on the one hand, and, on the other hand, government by the Federal authorities in the matters intrusted to them.

"Twenty-three years ago, when, upon the initiative of the late Judge Henry R. Beekman, of our New York Supreme Court, the first conference of commissioners on uniform State laws was held at Saratoga, it might have been questioned whether uniformity of State laws could ever be anything more than the dream of a visionary. And all along the line of march there have been those expressing doubts and looking askance at the movement.

"But, happily, all such doubts have been put at rest and all prophecies of failure have been exploded, because it has been amply demonstrated to the satisfaction of even the most credulous that the effort has been and is being successful. Substantially every jurisdiction in the United States has enacted the uniform negotiable instruments law. Every jurisdiction in the United States has its commissioners officially appointed whose sole duty it is to cooperate in securing the standardization of the laws on subjects having an interstate bearing.

"It is a movement in which every citizen and particularly every lawyer, may and should give aid. Not only does our governmental structure to some extent rest upon it and its success, but sooner or later every citizen of every Commonwealth will be touched in his or her life, person, property, or pursuit of happiness by these very matters."

Uniformity in State laws is a gradual development, stimulated by the industrial growth of the country within the last quarter of a century. The absurdity of radical differences is being clearly recognized more and more, not only by lawyers, but by every practical business man who has commercial interests in different States.

Walter George Smith, of Pennsylvania, in his closing address last year, when he handed the presidency of the conference to Mr. Terry, spoke very clearly on this phase of the subject when he said:

LIFE CONDITIONS REVOLUTIONIZED.

"It is a commonplace that conditions of life have been revolutionized since the adoption of the Federal Constitution. The slight bonds that held the States together while the slavery question remained unsettled have been indissolubly welded by the Civil War, by steam and electricity. No one, however fanciful may be his political dreams, now suggests that any part of the Republic could flourish dissevered from the Union; but the restless discontent with existing conditions does not hesitate to attack the constitutional system of representative government, offering in its stead some vague suggestions of a pure democracy or a socialized state.

"The old-time devotion to our dual government, Nation and State, has given place in many quarters to a spirit of skepticism that may be the forerunner of disaster. Men forget that government is a reflexed image of their own ideals, and no governmental device can of itself make the morality of a people higher than that of the individuals who compose it.

"For reasons far removed from our political constitutions, which may be traced to the loss of religious faith, to the enervation of luxury, and to the whole train of temptations that follow in the wake of material prosperity, the average morality of our people may have fallen below the standard of other days, but not yet so low, we may thank God, that the popular conscience is not quickened by the revelation of dishonesty, whether in personal or corporate affairs. Indeed, it is from an aroused indignation that is blindly striking at this dishonesty, wherever it may have been found or suspected, that our institutions are in danger.

"Not the least, nay, probably the greatest, of the acknowledged abuses of power have had their root in the differing laws, especially the corporation laws, of the States, and the obvious remedy in the minds of superficial thinkers is to accelerate the centralizing tendency and to minimize still further the dwindling importance of the States themselves.

"The business world is wearied with the harassing taxation of different jurisdictions upon the same subjects; the conflict of jurisdiction has become accentuated in many directions, and unless the people can be convinced that the breaking down of our theory of State and Federal legislation will in the end prove disastrous to well-ordered liberty, the end of State jurisdiction on many matters of social and business importance will not be long delayed."

While the commissioners on uniform State laws for the first decade of their existence did not attract much attention, yet within the last five years a widespread interest has been shown by the various commercial and industrial business interests in their advocacy of uniform legislation, largely due to the effective work of the commissioners in calling attention to the necessities of uniform legislation.

In fact, within the last three years numerous associations of industrial and commercial bodies, in their various organizations, created standing committees on uniform

laws, which they deem desirable to have enacted in the different States in reference to their own enterprises. The National Civic Federation, a body of great power and influence, has taken up the subject and given to it its hearty support.

The vice president of the conference of commissioners is John Hinckley, of Baltimore, Talcott H. Russell, of New Haven, is treasurer, and Clarence N. Wooley, of Pawtucket, R. I., is secretary.

Mr. WHALEY. A moment ago you said you were going to explain how you would carry out this plan in my State, South Carolina. Would you tear down my morality in order to raise yours?

Mr. EDMONDS. No; the letter which I gave to the stenographer——

Mr. VOLSTEAD. I think that could be met by drawing the law so as to permit the States to impose additional restrictions; that is, have a general law applicable to the United States but permit each State to impose additional restrictions as to divorces. It seems to me that laws in regard to marriage and divorce ought to be administered entirely by the States rather than be the Federal Government. I do not think a person ought to apply to the Federal Government for a license to get married; it seems to me they ought to apply under the State laws and that the laws of the States ought to be administered by the State, subject, however. to review by the Supreme Court; but that would necessarily follow even if a divorce were granted under the State laws.

Mr. WHALEY. If we were to pass this amendment, do you not think it would throw the whole matter into the United States courts?

Mr. VOLSTEAD. I think we could provide that the actions could be brought in the State courts, the same as in the case of interstate commerce cases. Those cases may be brought and they are brought in the State courts, but the Supreme Court takes jurisdiction. We could provide that the cases could be brought in the State courts and be subject to review on appeal from the supreme courts of the States. That would keep the laws uniform because you could reach the United States Supreme Court for the purpose of having all matters adjusted if there were any differences of opinion in the various States. I think that matter could be easily reached.

Mr. WHALEY. Do you not believe, this being a Federal question, that they could always take it into the Federal courts?

Mr. VOLSTEAD. I think we could draw a constitutional provision so that an appeal could only be taken from the Supreme Court, as it is now—that is, the supreme court of the State.

Mr. WHALEY. But those are cases of amount entirely.

Mr. VOLSTEAD. Of course, we could expressly confer jurisdiction upon the State courts and we could provide that they may be subject to review by the Supreme Court of the United States; that is, that a decision of the State supreme court could be reviewed by the United States Supreme Court, and I think you could easily reach it.

Mr. WHALEY. I would be perfectly willing to help the morality of these other States in the Union and endeavor to get them up to my standard or the standard of my State, if, in so doing, they did not pull me down; I would not consent to help them if I were to be pulled down. I would like to help them, but I am not going to pull my people down in order to raise them up.

Mr. EDMONDS. There is a suggestion as to that in the letter forwarded by Dr. Chase, which I handed to the stenographer; I think you will find he has a remedy for that condition, and that he had your case particularly in view.

Mr. WHALEY. I generally find that those efforts are usually to kill me and help keep them alive, and therefore I do not take very kindly to those suggestions.

Mr. EDMONDS. I think if you will read it you will find that a remedy is suggested, although it may not be the right suggestion. Now, as far as I am concerned I have no objection to an amendment being made to this resolution. The whole thought in connection with this matter is to find a way to carry out the idea without causing it to become burdensome in any way.

Mr. WHALEY. Let me make a suggestion to you about it.

Mr. EDMONDS. Yes.

Mr. WHALEY. That you abolish divorce in all of the States, and then you will raise your morality all over.

Mr. EDMONDS. Under this constitutional amendment the Congress of the United States would have the power to abolish divorce; after the constitutional amendment should be adopted you could put in a bill abolishing divorce. I will let you do that. I realize that in the State of New York and in the State of South Carolina this law would probably be objectionable, because they have constitutional provisions or laws which prevent the giving of a divorce except for one or two causes, or none at all, as in the case of South Carolina. There are other States that have very strict divorce laws, but when you come to consider the question you find that in California there are nearly as many divorces granted as there are in Japan. Just imagine Japan, a heathen country, and yet divorces in California are fast approaching the number that are given there. It is no wonder that the legislature of California appeals to Congress to help them out.

Mr. WHALEY. Why does not California do something for herself? Instead of coming to grandma, why does she not go to ma first?

Mr. EDMONDS. I realize the force of all you say and I can not understand why the percentage of divorces granted in California should be so much larger than the number granted in the Eastern States. The last comparison that was made occurred in 1900. In 1898 Japan had 215 divorces per 100,000. When I was over there last year they had reduced it to 150. The United States in 1900 had 73 per 100,000. Switzerland had 32 per 100,000 and England and Wales in 1901 had 2 per 100,000. Now, I think it is up to Congress, if it is ever to be expected that we will have any kind of law in regard to this matter which would be in any way effective. It is up to Congress to have some control of the situation; I do not care what that control is; I do not care whether you make it concurrent with the States——

Mr. NELSON (interposing). Right on that point, you are the author of this measure and some one has got to start off with something definite in mind. If you have a uniform law with permission to the States to make it stricter, you will have all of these difficulties between that standard and the standard set up by the States will you not? The same difficulties will arise as to legitimacy, etc.?

Mr. EDMONDS. Dr. Chase, in his letter, suggests that Congress pass a uniform law, such a law to contain a provision that any State may raise the standard if it so desires, but that it could not go below that standard.

Mr. VOLSTEAD. It would be legal in all of the States provided whatever laws they made complied with the requirements of the

Federal laws, and it would be legal as to any other State. Of course, in South Carolina no divorce could be obtained under the Federal law, because in that State they do not allow a person to get a divorce. But suppose you allowed South Carolina to retain her laws and suppose a person were divorced in Minnesota; under the Federal law he could go to South Carolina and South Carolina would have to recognize that as a valid divorce. That would be the situation.

Mr. WHALEY. That is just what I do not want; I do not want them down in my State at all; we do not recognize them to-day. They are coming there, but they are not recognized in my State, a person who comes in there with a fraudulent divorce granted in another State.

Mr. EDMONDS. Your State may not recognize them in social matters, but how is the State going to keep them out if they want to come there and purchase a farm, or anything like that?

Mr. WHALEY. The atmosphere is not so congenial for them, and you do not find them coming down there and purchasing those things.

Mr. EDMONDS. If this law were passed, they would have a legal status there. They have the right under the law of the United States to exist in any State, and if a man or woman should get a divorce in this country they should have a fair legal status in every State in the Union. It does not make any difference where they go. The people of a State may not receive them socially, but, as a matter of fact, they are entitled to their legal status as declared by the laws of the United States, because they are citizens of this country and have no right to be condemned in one State because of something happening in another State, especially if they have complied with the law. You gentlemen are attorneys and I am not, and I can not tell you as much about the law as I might be able to tell you if I were an attorney, but I would be perfectly willing to have you so amend this resolution as to take care of all these States that have better laws than you think Congress will pass or let a State raise the standard at any time it may desire.

Mr. NELSON. Suppose we have a law which is just about the average standard. Under those circumstances you would have all of these difficulties after the law was in practical operation. You would have all the difficulties in the matter of divorces, legitimacy, and property rights that you now have.

Mr. EDMONDS. I do not believe so, because a divorce granted in New York would be recognized in every other State; it would have to be recognized because a man's legal standing would have been declared by the courts of New York, and I can not see why his standing should not be recognized in South Carolina or Pennsylvania. They may not have any social standing in those States but they would have a legal standing.

Mr. WHALEY. What I was driving at, was a couple married in South Carolina and going to another State to get a divorce and then returning to South Carolina. After they returned to that State they would not be received socially in that State. I was referring to persons in South Carolina who contracted a marriage in that State and

not to those who contracted a marriage in other States and then had it dissolved.

Mr. EDMONDS. Do you not think it would be all right if a man got a divorce in, say, Pennsylvania, married another woman and then came to South Carolina?

Mr. WHALEY. I say that is all right; but I was referring to parties who entered into the marriage contract in South Carolina, went to another State and got a divorce from the South Carolina contract and then returned to their State. They are not received down there.

Mr. EDMONDS. Well, of course, that would be a social matter entirely.

Mr. WHALEY. We think the courts in other States have no right to grant such a divorce, especially if they properly construe the laws of South Carolina.

Mr. EDMONDS. If we had a general law in the United States covering this question and certain States were allowed to have certain restrictions of a higher grade than were contained in this law you can realize that then conditions would not be changed in South Carolina.

Mr. WHALEY. What I can not get into my head—and I may be dull about it—is this: If California is complaining about conditions out there why do not the people of Califronia clean up their stable instead of coming to Congress to get us to do it.

Mr. EDMONDS. Because they have probably found it is impossible.

Mr. WHALEY. Then it must be that the people want this condition.

Mr. EDMONDS. I was talking about this when I was out in California—and Mr. Moody, who is here from California, will probably be able to answer that better than I can—and I found that there are a great many people who go to California as invalids. They go into the State and when they get out there the man may be healthy and the woman may be sick, and the first thing you know, there is some trouble which comes up by which they can get a divorce or they make it possible to get a divorce.

The result is that there are a great many divorces in California of people who have come there to live on account of sickness or illness in the family. The great pity of the whole thing, of course, is the status of the children. I have personal knowledge of some of the conditions that prevail among the children of divorced parents. In the first place, if the mother takes care of the children the possibilities are that they run wild, and a great many of the children in our reform schools in the East and in the West are children of divorced parents, showing the necessity of having the control of both parents in keeping the children in the proper channels of life.

Mr. WHALEY. As a matter of fact, are not most of the divorces granted to those of the wealthier classes?

Mr. EDMONDS. Oh, I do not think so; no.

Mr. Whaley. Proportionately?

Mr. EDMONDS. No. My wife told me about a young lady who got married in the city of Philadelphia a short time ago. My wife said, "Are you not very young to get married, and do you not think it is a very serious step to take?" She said, "Well, of course, if I do not like him papa will get me a divorce and I will get another one." Of course, that was one of the rich families, but I do not think you will find that idea holds good if you go into statistics. I have some figures here which show that of the divorces granted to women, 33

per cent were on account of desertion, 27 per cent for cruelty, 10 per cent for adultery, and 5 per cent for drunkenness. It might be well to call the attention of the friends who have been talking for prohibition so long that figures show that of the divorces granted to women only 5 per cent have been granted on account of drunkenness. Of the divorces granted to men, 50 per cent were granted for desertion, 28 per cent for infidelity, 10 per cent for cruelty, and slightly over 1 per cent for drunkenness.

Those statistics are from the United States Census and, of course, are correct. There are from 100,000 to 115,000 divorces being granted in our States yearly. The number of divorces has grown in the proportion of 3 to 1 when you take into consideration the growth of population in the country. It shows need of regulation somewhere and that regulation may be in the States. You may be perfectly right about that, but after studying the question I have come to the conclusion personally that we must have something from the United States Government to regulate the thing all over the country, and if you want to branch out from it you can do so in order to protect those States which do not want to have divorces granted at all or which do not want to have so many causes for divorce as might be made possible in a law passed by Congress. I do not want to take any more of your time because you gentlemen wish to get through.

Mr. CRAFTS. I want to introduce Rev. Charles Wood, pastor of the Presbyterian Church of the Covenant. I suspect he represents the Presbyterian Church, in a sense.

STATEMENT OF REV. CHARLES WOOD.

Dr. WOOD. I can not say that I officially represent the Presbyterian Church, but I believe I do represent the position that the Presbyterian Church takes on this subject. We are more than glad to cooperate as far as we can with all these other churches and we are very anxious indeed that we should have a Federal law governing this question. There has been a good deal said about the husband and wife and some allusion has been made to the child. We start out by saying all men are born free and equal; that is not true at all, because these children are born with this terrible blot on their escutchion, and we are raising up a class in this country very much like a class that you find in India. I refer to children of English fathers and Hindu mothers. They are absolutely condemned from the day of their birth; they are looked on with scorn by the English and with contempt by the Hindu; they have no chance at all; they have all the vices of both races and they are, as I say, condemned from the day of their birth. The same condition might well be imagined in this country if things should be allowed to continue in relation to divorces, and it is to be boped that such a Federal law can be passed which will give the children here a standing. So I simply reecho the cry of the children to-day, that here in America every child shall have a fair chance. I thank you for the opportunity of appearing here and hope for favorable action in this matter.

STATEMENT OF MR. STANTON C. PEELLE.

Mr. PEELLE. I told Mr. Moody I would not have anything to say, but that I would only come here to listen to what was said on the subject. I take it that every member of the committee is familiar with the things that have led up to this movement; you are familiar with all of the difficulties that have grown out of the lax enforcement of the laws on the subject of marriage and divorce. I have a lot of available data, which has been furnished to me, but I do not regard it as very material except as a confirmation of the necessity for the movement in behalf of uniformity.

The American Bar Association has for some time been urging the necessity for uniform laws in the various States, and I recognize the difficulties with which the committee is confronted—the legal questions—and I recognize the fact that if this question of divorce is submitted to the Federal courts, that is the only way in which it can be made uniform. If the State courts are to deal with it, with the right of appeal, there may be some conflict, but certainly a Federal question would arise under a Federal statute. My own motion is that the fundamental error in the whole business is in the lack of law regulating marriage; that if we had a uniform and effective law regulating marriage, there would be little necessity for any laws regulating divorce. I recognize the difficulties confronting the Member from South Carolina in this matter. I apprehend that there might be added to this proposed resolution words which would protect South Carolina, to this effect:

Provided, That nothing herein shall be construed to prohibit any State from prohibiting divorce altogether.

It was said that if this should become a part of the Constitution, the Congress might have the right to prohibit divorce altogether. That would hardly fall within the definition of "regulation," so I am not so clear about that; but certain it is that in this proposed amendment, if they should put in there the words which I have suggested, or substantially the words which I have suggested, that would enable South Carolina, or other States that might pass laws, even after the amendment became part of the Constitution, prohibiting divorce altogether, and if that were added, I think it would meet the question.

Personally, although I have lived in a State that recognizes divorce for several causes, I have never myself been in favor of it, because marrage is the basis of society, and we have got to protect society, and, reasoning from analogy in equity rules, if it be permissible, I think that where the individual has brought trouble upon a community, that the individual, rather than the community, should suffer; and for that reason, I should say that where they have been guilty of conduct which, either by voluntary action or by compulsion, forced them to separate, they should endure it and bear it, and not the community; and therefore, I should be in hearty sympathy with any provision which would give a State the right to prohibit divorce altogether. Of course, the Bible ground is one that we recognize, all of us, and I think by that spirit we would carry out that biblical injunction or direction.

Now, the question as to what Congress will do, if this should become a law, will be for that Congress to determine. They may put restrictions around it that will protect States like South Carolina, or other States which may pass similar laws, and they may, by some process, give jurisdiction to the State courts, with a right of appeal to the Federal courts within their respective States.

Congress now provides, of course, that the Federal courts shall conform to the decisions of the respective States and the laws of the respective States, where they do not conflict with the laws of the General Government; and some provision—I am not going to discuss the question, I only suggest it—I see the difficulties of it, but when Congress comes to deal with it they will meet that question. Now, I need not add anything else. Judge Morrow, of the United States Circuit Court of California, has written an opinion, which I have had the pleasure of reading, and he outlines substantially, or echoes substantially, what I have said, that—

Academically speaking, there would seem to be no objection to any such amendment, provided that no dissenting State should be compelled to avail itself of the provisions of the amendment or of the laws enforcing the same. That is to say, Congress might be permitted to provide that no State should be compelled to allow divorces while insisting that the citizens of any State where divorce laws did exist should only be entitled to obtain relief from the bonds of matrimony through the Federal courts, and in accordance with the regulations of the act, both as to grounds and procedure.

Mr. GARD. Will you submit that as part of your testimony?

Mr. PEELLE. Yes.

Mr. GARD. Just file that as part of your testimony—the entire opinion.

Mr. PEELLE. I supposed that had been done. I will file it now.

(This has already been inserted under the remarks of Mr. Raker and is the same document.)

Mr. VOLSTEAD. Is it your idea to have a Federal court pass upon the question of divorce in each State?

Mr. PEELLE. It would eventually get into the Federal court.

Mr. VOLSTEAD. It would get there on appeal?

Mr. PEELLE. Or it might be certified, but if either party should object to the jurisdiction of the court—of course, now nonresidence is a basis of certification to the Federal court—but it would be competent for Congress to pass a law that where either party objected to the jurisdiction of the State court it might be certified to a Federal court; but even then you would be far from uniformity, very likely, because there might be a combination of circumstances by which both parties would agree not to certify to the Federal court, but to abide by the State court if they had accomplished the purpose they wanted.

Mr. VOLSTEAD. If there were an appeal to the supreme court of the State you would eventually compel uniformity?

Mr. PEELLE. Uniformity.

Mr. VOLSTEAD. You must realize that a great number of people in this country do not live near a Federal court at all.

Mr. PEELLE. That is the difficulty.

Mr. VOLSTEAD. And that while people living in cities where you have Federal courts may be perfectly willing to go into the Federal courts—take, for instance, the people of Riley, which is 125 or 130

miles from any Federal court; do you suppose they would take very kindly to the idea that they would have to go into the Federal court for a divorce? I presume you would argue that that is all right, because that would make it more difficult, but you must realize that in most cases those people affected would not feel that way. Then, another thing; I understood you to say that the important thing was laws in reference to marriage. I did not quite catch your idea, because it seems to me that marriage is now recognized everywhere as legal, but the question is whether they have succeeded in getting a legal divorce. It is not a question of marriage, but a question of divorce.

Mr. PEELLE. What I meant by that was this: I think that every man or woman who unites in wedlock should be interrogated by an officer, and they should be required to answer certain questions affecting their moral status, their health, and the financial ability of the man to take care of a family.

Mr. VOLSTEAD. But we could not pass a law of that kind in a hundred years.

Mr. PEELLE. I am not asking that, but I am saying that in my judgment that is the fiundation of all the difficulty.

Mr. VOLSTEAD. My idea is that marriage is not a contract, strictly speaking; it is the creation of a status in society, and, as such, I think that the States ought to have something to say about those things.

Mr. PEELLE. Then, you can not have uniformity, because the States all speak differently.

Mr. VOLSTEAD. We have uniformity now, practically, except as to the question of how to get rid of the married status. We all agree that a marriage in any State is valid, provided the parties are entitled to marry. The question is how to get rid of the marriage contract or status, and upon what conditions it should be permitted.

Mr. PEELLE. That is it exactly.

Mr. VOLSTEAD. And it is not so much a question of marriage, it seems to me. If you are going to pass a constitutional provision like this, I presume our town officers or county officers would not even be permitted to solemnize a marriage. Now, I do not see any necessity of turning all that over to the Federal Government at all. It seems to me that ought to be left with the States, as it is now. The question is, more particularly, under what rules should a divorce be permitted, and it seems to me that outside of laying down general rules that would create uniformity, which I think is desirable, it ought to be left largely to the States, as it is now.

Mr. PEELLE. I take it that under this amendment, if it should become part of the Constitution, Congress would pass a law on the subject of marriage to effectually regulate it, and when they did regulate it, the next question would be how to violate that contract, and they would provide for that.

Mr. VOLSTEAD. It seems to me that if you should pass this, and Congress should act, the States would not have any power at all; it would operate just exactly the same as the bankruptcy law. We had a right to pass a bankruptcy law, and just as soon as we did, the States were absolutely shorn of all power on the subject. We would have to go on and pass all sorts of laws for the purpose of permitting people to be married at all, and to create officers and all that sort of thing, who would be authorized to solemnize marriages, and, of

course, if that were the case, I presume the Federal courts would be the only ones that would have jurisdiction in the matter of divorce.

Mr. PEELLE. Under the amendment, as is proposed, I should say that would be true, and that I understand to be the object of the committee.

Mr. VOLSTEAD. As I understand it, if this pass, you would wipe out the South Carolina law absolutely.

Mr. PEELLE. It would give Congress a right to regulate the matter.

Mr. VOLSTEAD. Just as soon as it had passed, South Carolina would be out, because you would have to make it uniform. I do not think there is any necessity for saying that it should be uniform.

Mr. PEELLE. You might add, as I said, that nothing herein shall be construed to prohibit any State from prohibiting divorce on any ground.

Mr. VOLSTEAD. Supposing we should specify four or five grounds, or two or three or four grounds for divorce; it seems to me that any State should be permitted to say that divorce shall only be permitted upon one ground or two grounds. It seems to me that if they saw fit to limit it beyond what Congress might be willing to limit it, they ought to be permitted to do so.

Mr. PEELLE. Then you do not think there is any necessity for the amendment, if you think that?

Mr. VOLSTEAD. I should think the amendment would go a good way toward checking up States like California and South Dakota and some other States that have granted divorces readily; it would at least make a decent divorce law.

Mr. PEELLE. But you are not giving the States power to enlarge the divorce law.

Mr. VOLSTEAD. I did not intend to say that. I intended to limit it to give them power to cut out two or three causes, so as to leave fewer causes for divorce than Congress would be willing to permit.

Mr. PEELLE. The question would arise there, if you should leave it to the States to limit the grounds for divorce beyond what Congress might fix, as to whether there were not jurisdiction in the State courts to deal with the question, and then you have wiped out your uniformity.

Mr. VOLSTEAD. We have not any particular difficulty, as I understand it, with the employers' liability act. Various States might construe that differently, and no doubt they do, but we have a check upon all that in the appeal to the Supreme Court.

Mr. PEELLE. You might provide for such an appeal here.

Mr. VOLSTEAD. I do not think you need make that provision at all. If you turn it over to the State courts, just as we do under the employers' liability act, the Supreme Court would have jurisdiction anyhow, under the Constitution.

Mr. PEELLE. As I understand this proposed amendment, the thought of those having it in charge is that Congress shall have the right to regulate marriage and divorce, and that the whole matter shall be relegated to the Federal Government and to the Federal courts.

Mr. VOLSTEAD. I am willing to help you along certain lines, but I am not sure that I am ready to put it all under the Federal Government.

Mr. WHALEY. The difference between the other acts which have been referred to, Mr. Volstead, and this one is that they are dealing with money, and this is dealing with morality. As I understand it the objection to it is to having uniform morality.

STATEMENT OF MR. FRANCIS MINER MOODY.

Mr. MOODY. We have here six documents prepared by the International Committee on Marriage and Divorce, including the large document that I passed to all of you gentlemen, and if it please you, I will be glad to have it made part of the record, because it corrects some of the statements that have been made, and it is based on the official documents of the Government, which I have placed in your possession. Some have said that the Government data are too big, when the real fact is that the Government data are not even known. The thing we ask you is to make the Government data the basis of this work, and see how big this thing is—30 per cent increase every five years from 1807 to 1906. If for a moment you will regard the pictures that are drawn to size there, you will find that the whole population has increased since 1830 only eightfold, and divorces have increased about eightyfold, and the picture which is there presented shows that 110,000 divorces were granted in 1914, which, according to the estimate of the present head of the Census Bureau, is too small. Now, what are the reasons that we think this data are too small? Simply because in the first place the data for San Francisco County were not given; they could not get them; they had been destroyed, but they did not know that they were printed in the San Francisco municipal courts, but we who were acquainted there found them. They did not have the data of the second largest divorce county in the world—San Francisco County—up to that time. It is probable that Los Angeles has taken its place in that matter; Los Angeles is credited with 11,000 in the last 10 years, and no county on earth ever equaled that record, except Cook County, and Cook County did that when their population was 1,100,000, and Los Angeles did it when their census population showed only half a million.

Now, we are facing tremendous problems here, and for good reasons. The first of them is that the lawyers in the legislatures, when we went to them with uniform State laws, and to the State judiciary committee we thought that because of the great convention that had been held at Philadelphia we would be able to get the State law of California at least raised to a standard that was passed in Philadelphia; but we could not get one of them passed. Through successive years we tried various methods, but we found that the matter of State uniformity was a failure in California, no matter by whom presented.

Come with me to the State of Illinois and see there the most capable men of that State who were appointed on that committee. Watch them go up with a code, but they can not get it out of the committee. They can not get the committee to give them a hearing—these local State legislatures. To be sure, three States have passed a law approximating the proposed uniform law of the Philadelphia convention, but these codes that were drawn up are so widely different that we can not claim uniformity even in those three States. The bar associations

have been at this proposition for 30 years, and they have insisted vigorously that the honor of the children and the property rights of the children are imperiled in a way that endangers the very foundation of society; and now, what is left? Only the Federal law. Since the bar associations of 48 States, by their very capable representatives, have not succeeded in accomplishing anything since 1880, why should we not try through Congress?

Is it a small thing to have 125,000 divorces granted this year in the United States? Is it a small thing to have 90,000 divorce orphans created in the United States of America—and I mean by that children mostly under 10 years of age? I say it is by no means a small thing. There are two possible methods of providing for the States to have divorce abolished. One is the changing of the amendment to the Federal Constitution, according to the lines indicated by Judge Morrow's argument; the other is, as I said, by statute. We do not wish to dictate to the committee as to which method you should take or to recommend to you what course you should pursue. We say that either method will be acceptable to us, and by either of those methods which you might choose provision could be made for South Carolina and for every other State, and I say this on the authority of those who are most competent judges.

The Constitution as it is framed is not, as we understand it, a graven image to be worshipped or a sacred thing not to be touched by the hands of man. We claim that had our forefathers been confronted with such a condition as that with which we are now confronted they would have said, and without hesitation and unanimously, "Let the barriers of divorce and marriage be determined by the Federal Government." But they were never confronted with any such condition; there was not the least taint of divorce that would compare, even in 1829, with the situation we now have. The matter of going from State to State and from county to county to be divorced, for the purpose of defrauding the laws of one's native State, was not in their purview. No Christian country ever dreamed of having as many divorces as America has now. One of the judges has called attention to the fact that 40 per cent of all the divorces that came before him were the sequel to elopments. Of course we can not stop elopements by State law, but the Federal law can make them almost impossible; not entirely so, but I say nearly so.

The migratory divorce is a tremendous element also in the situation. Why do we have so many of them? Ask Chicago from whence came their prestige in divorces in 1870? There was a lawyer who advertised that divorce could be obtained by those who would come to him almost as soon as they got off the train, and he would see to it, and he did see to it, and later that man was disbarred. If you will look at these Cook County records, you will see that in 1876 there was a falling off, because the man who was bringing this great shame on Chicago, from other States, was out of business; but the thing has gone on, because other methods have been found. By six months' residence in Reno, and a slightly longer time in other places, a divorce may be procured. But of what value is it? Listen to the Supreme Court of the United States. They say that unless the residence is bona fide, and the person actually stays there after the divorce is granted the divorce is utterly worthless. Now, what is the truth about Reno? The citizens of Reno and the lawyers there admit that

there is hardly a person who ever comes to Reno with any intention of remaining there, and 487 divorces were granted there in 1912, and 75 cent of them were residents of New York State, and so the record goes. A woman who is restrained by law from getting a divorce in her own State goes to Wisconsin, and five years later, having borne two children to her second husband, she comes back to Illinois again. She has gotten a divorce in one State, which is not recognized 50 or 60 miles away—which is utterly worthless, and this thing is growing all the time, not only between Wisconsin and Illinois, but between California and Navada, and between Oregon and Washington, and between Connecticut and New York, and between Massachusetts and Vermont. These decisions can be found again and again from year to year; so, therefore, we say, in the name of the children and for their sake and for their honor, let us do these things which we can not do in any other way, unless we consent to pass the Federal law.

When the question of naturalization had reached a condition where frauds were being perpetrated by the thousands, what was the remedy proposed? It was proposed that a Federal attorney should appear on behalf of the State and give the man a sentence in a Federal jail instead of his naturalization papers. What happened? The frauds in the naturalization business practically went out of existence at that time. What will happen if you put a Federal attorney in court to examine each applicant for a divorce and to punish fraud with imprisonment in a Federal prison? Half of this divorce business will be wiped out. That is just what it did in Japan without a Federal attorney. In 1897, or the year before, Japan passed her Federal law, they had 124,000 divorces—we are having 125,000 a year in America—but by 1898, the next year, with only six months for the law to run, Japan had cut her divorce figures to 99,000 from 124,000, and the following year, with a full year for the law to run, Japan had less than 70,000, and she has gone down and down, until in 1898 she granted less than half of the number of our present divorces—59,000—and we are granting to-day more than twice as many as a heathen population, and we have a higher divorce rate to-day than any other nation on earth. And why? Because in the pride of the American people we stand up and say that not only every State but every individual shall have the right to his own opinion of marriage and divorce and be a law unto himself. Take the currency question. It was put in the hands of the States, but in 1835 we found that a $5 bill issued at one place would be worth, perhaps, 50 cents at another place. The Federal Government stepped in and took the control, to a large extent, of that matter, and the stability of currency was the result.

We are not raising the question as to the causes of divorce, but we do say that the stupendous divorce frauds ought to wrack the conscience of every legislator in Congress and in every State legislature, until we see that our homes are not destroyed and dishonored, and our wives turned out into business to earn their livelihood, and to take a second husband when they do not want a second husband, but because they find that they are obliged to take him in order to get a living, and it makes no difference to these cowardly dogs, who marry a woman and then leave her as soon as they see some younger or more attractive woman, whether the poor wife has 2 children or 5 children or 10 children left for her to support.

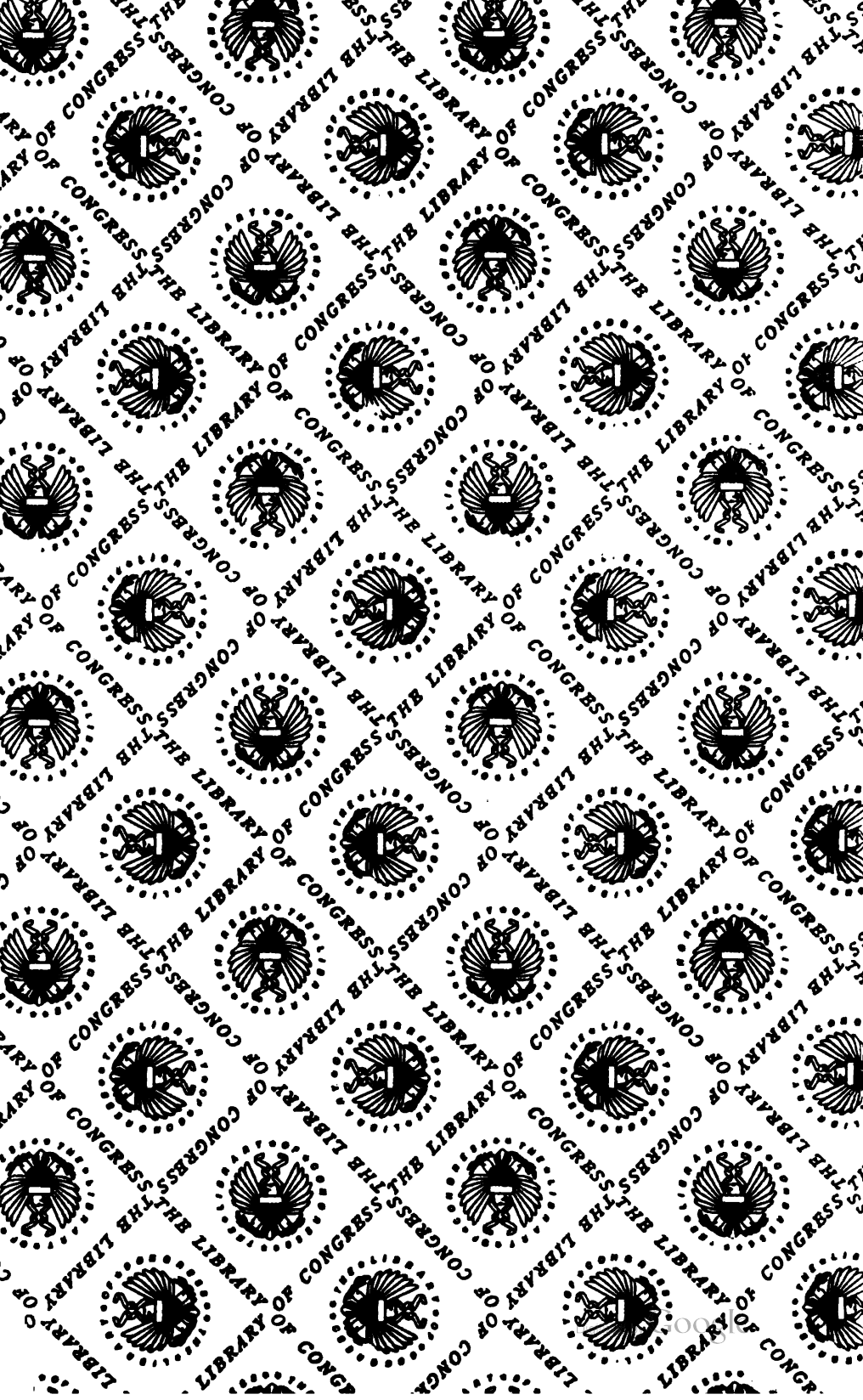
I ask you men to consider this as a charge, that you guard sacredly the interests of the American children, and consider that the long years of effort to obtain other remedies have settled the question that other remedies will not avail, but that the mighty power of the Federal law will avail to eliminate the crimes of divorce, and to check migratory marriages, and to hold them within the realm of absolute honesty. I thank you.

Mr. GARD. If any of you gentlemen desire to extend your remarks in the record you may do so.

Mr. MOODY. The National Educational Association and some other bodies have passed resolutions concerning this matter, but their representatives are not present, and we would like to introduce those also.

Mr. GARD. Very well; you may do so. The committee will adjourn now.

(Whereupon, at 1.10 o'clock p. m., the committee adjourned subject to call.)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